

REGULAR MEETING OF FLORENCE CITY COUNCIL

MONDAY, APRIL 11, 2011 - 6:00 P.M.

CITY-COUNTY COMPLEX, CITY COUNCIL CHAMBERS

FLORENCE, SOUTH CAROLINA

AGENDA

I. CALL TO ORDER

II. INVOCATION

Pledge of Allegiance

III. APPROVAL OF MINUTES

March 3, 2011 – Special Meeting/Public Hearing

March 11, 2011 – Special Meeting

March 14, 2011 – Regular Meeting

March 25, 2011 – Special Meeting

April 4, 2011 – Special Meeting

SPECIAL RECOGNITION BY MAYOR PRO TEM BUDDY BRAND

A Resolution to recognize the 150th anniversary of First Presbyterian Church

IV. PUBLIC HEARING

To receive input from the public regarding the 2011-2012 Community Development Block Grant (CDBG) Budget.

V. APPEARANCES BEFORE COUNCIL

- a.** *Mr. Ed Love, Chairman, Florence County Legislative Day – to address Council regarding the upcoming Legislative Day and to request \$10,000 in funding for the event.*

VI. ORDINANCES IN POSITION

- a.** *Bill No. 2011-10 – Second Reading
An Ordinance to amend the General Fund Budget for the City of Florence, South Carolina, for the fiscal year beginning July 1, 2010, and ending June 30, 2011.*

- b. **Bill No. 2011-11 – Second Reading**
An Ordinance to amend the Hospitality Fee Budget for the City of Florence, South Carolina, for the fiscal year beginning July 1, 2010, and ending June 30, 2011.
- c. **Bill No. 2011-12 – Second Reading**
An Ordinance to amend the General Fund, Water and Sewer Utilities Enterprise Fund and Equipment Replacement Fund Budgets for the City of Florence, South Carolina, for the fiscal year beginning July 1, 2010, and ending June 30, 2011.
- d. **Bill No. 2011-13 – Second Reading**
An Ordinance to rezone property owned by the Housing Authority of Florence from B-2 to R-5.

VII. INTRODUCTION OF ORDINANCES

- a. **Bill No. 2011-09 – First Reading**
An Ordinance to establish regulations and requirements related to smoking in enclosed buildings and spaces within the City of Florence.

VIII. INTRODUCTION OF RESOLUTIONS

- a. **Resolution No. 2011-06**
A Resolution recognizing the 150th anniversary of First Presbyterian Church
- b. **Resolution No. 2011-07**
A Resolution proclaiming July 2, 2011 as “Family Day for the McPhail-Phillips Family Reunion”

IX. REPORTS TO COUNCIL

- a. **Appointments to Boards and Commissions**
- b. **Councilman Robinson – to discuss the City resuming the functions of the Building Inspections Department.**

X. EXECUTIVE SESSION

- a. **Contractual Matter (will be held at 4:30 p.m. in Conference Room, #605)**
- b. **Contractual Matter**

XI. ADJOURN

**SPECIAL MEETING OF FLORENCE CITY COUNCIL
THURSDAY, MARCH 3, 2011 - 4:00 P.M.
STIFEL NICOLAUS, 1325 CHEROKEE ROAD
FLORENCE, SOUTH CAROLINA**

**PUBLIC HEARING
THURSDAY, MARCH 3, 2011 – 5:30 P.M.
MOORE INTERMEDIATE SCHOOL AUDITORIUM, 1101 CHERAW DRIVE
FLORENCE, SOUTH CAROLINA**

MEMBERS PRESENT: Mayor Wukela called the special meeting to order at 4:05 p.m. with the following members present: Mayor Pro tem Buddy Brand; Councilwoman Teresa Myers Ervin; Councilman Steve Powers; Councilwoman Octavia Williams-Blake; Councilman Ed Robinson and Councilman Glynn Willis.

ALSO PRESENT: Mr. David N. Williams, City Manager; Mrs. Dianne M. Rowan, Municipal Clerk; and Mr. James W. Peterson, Jr., City Attorney.

MEDIA PRESENT: Notices of this special meeting of Florence City Council were sent to the media informing them of the date, time and location of the meeting. No one from the media was present for the meeting.

EXECUTIVE SESSION

Mayor Pro tem Buddy Brand made a motion for Council to enter into Executive Session. Councilman Robinson seconded the motion, which carried unanimously. Council entered into Executive Session at 4:06 p.m.

Mayor Wukela reconvened the regular meeting at 5:35 p.m. at the site of the public hearing; Moore Intermediate School.

Mayor Wukela asked everyone to stand for the Pledge of Allegiance to the American Flag.

Mayor Wukela stated there were two matters discussed in Executive Session.

Councilman Brand made a motion to negotiate temporarily down to \$1,500 per month for six months the contractual agreement discussed in Executive Session. Councilman Powers seconded the motion.

Councilman Robinson made a motion to amend the previous motion to reduce the amount to \$1,000 per month.

The motion to amend failed for lack of a second.

Voting aye on the original motion were Councilwoman Ervin, Councilman Powers, Mayor Wukela, Mayor Pro tem Brand, Councilwoman Williams-Blake and Councilman Willis.

Voting no was Councilman Robinson.

The motion passed 6-1.

PUBLIC HEARING

John Sweeney of the Morning News and Tonya Brown of TV15 were present for the public hearing.

Mayor Wukela opened the public hearing at 5:39 p.m.

**SPECIAL MEETING/PUBLIC HEARING OF FLORENCE CITY COUNCIL
MARCH 3, 2011 – PAGE 2**

Speaking in favor of the Smoking Ban Ordinance were: Hazel Kelly; Kiera Carter; Dr. William Hester; Cheryl Lewis; Haynes Payne; Denise Richbourg; Dr. Andy Pope; Ian Hamilton; LeShawn Thomas; Mona Carter; Candy & Harrison Carter; Sherri Gore; Dr. Dill Harper; Sandra Dekle; Tavy Smalls; Representative Terry Alexander; County Councilman Waymon Mumford; and Peggy Brown.

Speaking in opposition to the Smoking Ban Ordinance were: Toni James; Ron Moore; Ethan Rivera; Reynolds Williams; Mary Williams; Jeanne Downing; Robert McCready; Murray Jordan; Dr. Stephen Dersch; Neil Anderson; Paul Reinman; Tommy Phillips; Bill Pickle; Antwan Wells; and Elijah Jones.

Mayor Wukela thanked everyone for their participation.

Councilman Robinson spoke against the Smoking Ban Ordinance.

Councilman Robinson made a motion that the Smoking Ban Ordinance be placed on the next General Election ballot as a referendum. Councilman Powers seconded the motion.

Councilman Powers stated this is an issue about property and personal rights and has been a very divisive issue for the City.

Voting in favor of the motion were Councilman Robinson and Councilman Powers.

Voting against the motion were Councilwoman Ervin, Mayor Wukela, Mayor Pro tem Brand, Councilwoman Williams-Blake and Councilman Willis.

The motion failed 2-5.

ADJOURN

Councilwoman Williams-Blake made a motion to adjourn the meeting. There was no objection. The meeting was adjourned at 7:50 p.m.

Dated this 11th day of April, 2011.

Dianne M. Rowan, Municipal Clerk

Stephen J. Wukela, Mayor

**SPECIAL MEETING OF FLORENCE CITY COUNCIL
FRIDAY, MARCH 11, 2011 – 8:30 A.M.
CITY-COUNTY COMPLEX, CITY COUNCIL CHAMBERS, ROOM 604
FLORENCE, SOUTH CAROLINA**

PRESENT: Mayor Wukela called the special meeting to order at 8:30 a.m. with the following members present: Mayor Pro tem Frank J. “Buddy” Brand, II; Councilwoman Teresa Myers Ervin; Councilman Steve Powers; Councilman Edward Robinson; Councilwoman Octavia Williams-Blake; and Councilman Glynn F. Willis.

ALSO PRESENT: Mr. David N. Williams, City Manager; Mrs. Dianne M. Rowan, Municipal Clerk; and Mr. James W. Peterson, Jr., City Attorney.

ITEM FOR DISCUSSION

Mayor Wukela stated the special meeting was requested by Councilman Powers, Councilman Brand, Councilman Willis and Councilman Robinson to discuss Bill No. 2011-09, a proposed Ordinance to establish regulations and requirements related to smoking in enclosed buildings and spaces within the City of Florence.

Councilman Robinson made a motion to defer first vote on Bill 2011-09 until the Regular City Council Meeting in April. Councilman Powers seconded the motion.

After a brief discussion by Council, the motion to defer Bill No. 2011-09 to the April meeting was passed by a vote of 6-1.

Voting in favor were Mayor Wukela, Councilwoman Ervin, Councilman Powers, Councilman Robinson, Mayor Pro tem Brand and Councilman Willis.

Voting against the motion was Councilwoman Williams-Blake.

INVOCATION

Councilwoman Teresa Myers Ervin gave the invocation. The invocation was followed by the Pledge of Allegiance to the American Flag.

ADJOURN

Councilman Robinson made a motion to adjourn the meeting. Councilman Willis seconded the motion, which carried unanimously.

The meeting was adjourned at 8:39 a.m.

Dated this 11th day of April, 2011.

Dianne M. Rowan, Municipal Clerk

Stephen J. Wukela, Mayor

**REGULAR MEETING OF FLORENCE CITY COUNCIL
MONDAY, MARCH 14, 2011 - 1:00 P.M.
CITY-COUNTY COMPLEX, CITY COUNCIL CHAMBERS, ROOM 604
FLORENCE, SOUTH CAROLINA**

MEMBERS PRESENT: Mayor Wukela called the regular meeting to order at 1:10 p.m. with the following members present: Mayor Pro tem Buddy Brand; Councilwoman Teresa Myers Ervin; Councilman Steve Powers; Councilwoman Octavia Williams-Blake; and Councilman Glynn Willis.

MEMBERS ABSENT: Councilman Ed Robinson

ALSO PRESENT: Mr. David N. Williams, City Manager; Mrs. Dianne M. Rowan, Municipal Clerk; Mr. James W. Peterson, Jr., City Attorney; Chief Anson Shells, Florence Police Department; Mr. Drew Griffin, Director of Public Works and Utilities; Mr. Thomas Chandler, Director of Finance; Mr. Scotty Davis, Director of Community Services; and Mr. Tom Shearin, Special Services Administrator.

MEDIA PRESENT: Notices of this regular meeting of Florence City Council were sent to the media informing them of the date, time and location of the meeting. Mr. Tucker Mitchell from the Morning News was present for the meeting.

INVOCATION

Councilwoman Teresa Myers Ervin gave the invocation for the meeting. The invocation was followed by the Pledge of Allegiance to the American Flag.

APPROVAL OF MINUTES

Mayor Pro tem Brand made a motion to adopt the minutes of the February 8, 2011 Special Meeting and the February 14, 2011 Regular Meeting. Councilwoman Ervin seconded the motion, which carried unanimously.

SPECIAL HONORS AND RECOGNITIONS

Service Recognitions

Anthony Burgess was presented a certificate in recognition of completing 20 years of service with the City of Florence.

Mayor Wukela presented a certificate of recognition to Spencer Campbell for completing 10 years of service with the City.

Almario Preacher received a certificate of recognition from Mayor Wukela for completing 10 years of service with the City.

In lieu of Citizen of the Month, Mayor Wukela recognized Chief Anson Shells and the Community Action Team (CAT) for their work in reducing juvenile crime, juvenile arrests and incidents, as well as overall crime in the City of Florence.

APPEARANCES BEFORE COUNCIL

a. Mr. John Jebaily, Chairman, Parks & Beautification Commission – to present the Annual Plan to Council.

Mr. Jebaily thanked City staff for a great job in managing the community centers, parks, trails and programming. The 2011 Parks & Beautification Commission Annual Plan was provided to Council in their agenda packets. This is the ninth year the Commission has presented their annual plan to City Council. In the past year 412 trees have been planted in the City of Florence. This is the thirtieth year in a row that the City has been recognized as a Tree City and the seventh year in a row to receive the Growth Award. The teen program at the Barnes Street facility continues to be strong and offers a variety of programs to attract the children throughout the community. In addition, the center hosts adult programs, such as, community wellness and GED assistance. The trail system continues to be well used by residents of the community. A grant was applied for and has been received in the amount of \$107,000 from the State Department of Transportation to be used to continue with the asphalt from Hobby Lobby, behind Wal-Mart to Beltline Drive. The Commission has requested funding from the Department of Natural Resources for \$200,000 to create a Blue Trail. The Blue Trail will be in Jeffries Creek and will allow kayaks and canoes the opportunity to travel from Naturally Outdoors (located on Palmetto Street) to Freedom Florence. There will be three launch sites along the corridor. Last year the Public Awareness Committee produced over 100,000 placemats to be distributed to local restaurants emphasizing the Florence Trail System and also produced a powerpoint presentation that was shown to civic clubs and organizations throughout the community highlighting the park and trail system to inform the public on what is available in the City of Florence. It is estimated that over 5,000 children have participated in athletic program in Florence. The Commission will continue to solicit support from Council for a new gymnasium for the City. After school programs are continuing to run Monday through Friday. The Florence Tennis Complex is almost complete and the planned opening date is the first of June, 2011. The Senior Program runs every day in Levy Park, Northwest Park and two days at Maple Park. The Levy Park improvements will be completed by the end of June and they involve the construction of a new activity center, updates and renovations to the community center, picnic shelter, three basketball courts, two tennis courts and two shuffleboard courts. Mr. Jebaily spoke about the dilapidated motel that is adjacent to Levy Park and would like to see the building razed. The property could be developed into a rest area for the Myrtle Beach traffic coming through Florence and could also be used as a dog park.

Mr. Barry Wingard reported since the Veterans Park opened on November 11, 2008, a POW/MIA Monument, a Purple Heart Monument and a Marine Corps League Monument has been added to the Park. In addition, the Desert Storm Monument has been moved from the Florence County Museum to the Veterans Park facility. There are currently 532 names on the Wall of Honor, a memorial that honors the veterans of the Pee Dee area, and an additional 36 names have been approved and are ready to be placed on the wall at the appropriate time. The World War II Committee is working on a design and raising funds for a World War II Memorial. The World War II plaque that used to be in the old Florence County Library has been donated to the park and will be displayed at the facility. Mr. Wingard has secured a piece of limestone from the Pentagon when it was damaged during the 9-11 attacks. A memorial is being designed to showcase this piece of history and it will be displayed at the Veterans Park. Plans are being made to dedicate this memorial on September 11, 2011, the 10th anniversary of the attack. The committee is also working on recognizing distinguished visitors that have visited the park. In August 2011, the 133rd Military Police unit will be deploying to Afghanistan and they have requested to have their going away ceremony at the Veterans Park. This year's Veterans Day celebration will be held on November 11, 2011 at 11:00 a.m. (11-11-11 at 11:00 a.m.). Mr. Wingard concluded his report by thanking Drew Griffin, Director of Public Works and Chuck Pope, Parks & Leisure Department Manager, for their continued support of the Veterans Park.

b. Mr. Lloyd Flores, Sr., Pee Dee Veterans Advisory Council – to present the “Stand Down” event for homeless veterans and to request funding support or in-kind support for the event.

Mr. Flores requested funding in the amount of \$2,500 for the upcoming Stand Down event for homeless veterans that will be held June 8-11, 2011 at the American Legion Post in Florence. Funding will be used to purchase food items, prepared meals, bottled water, clothing, sleeping bags, hygiene care kits, facility and tent rentals, advertising costs, event posters, portable bathrooms, janitorial/kitchen supplies, dedicated phone lines, security costs, and other necessary items.

Mr. C. B. Anderson spoke about what would be offered to the homeless veterans and noted that legal assistance is one of the biggest issues for these veterans.

Dr. Ron Murphy stated that the Stand Down event is a tremendous opportunity to help these people cope with their problems, cope with homelessness and hopefully exit homelessness.

Mayor Wukela thanked them for what they do to help the homeless veterans in our area.

c. Mrs. Modestine Brody, Executive Director, Resurrection Restoration Center for the Homeless – to make a request for funding.

Mrs. Brody appeared before Council and stated that her organization has applied for a VA grant. Mrs. Brody requested that the City donate either an existing home or land on which a home could be constructed to be used in her grant application. Programs that contain a permanent housing feature have a greater probability of being approved.

Councilman Powers made a motion that this request be assigned to the Budget Committee for review. Councilman Willis seconded the motion, which carried unanimously.

INTRODUCTION OF ORDINANCES

Bill No. 2011-09 – First Reading

An Ordinance to establish regulations and requirements related to smoking in enclosed buildings and spaces within the City of Florence.

An Ordinance to establish regulations and requirements related to smoking in enclosed buildings and spaces within the City of Florence has been deferred until the April 11, 2011 Regular City Council meeting.

Bill No. 2011-10 – First Reading

An Ordinance to amend the General Fund Budget for the City of Florence, South Carolina, for the fiscal year beginning July 1, 2010, and ending June 30, 2011.

An Ordinance to amend the General Fund Budget for the City of Florence, South Carolina, for the fiscal year beginning July 1, 2010 and ending June 30, 2011 was passed on first reading.

Mr. David Williams, City Manager reported this Ordinance relates to city operations and the General Fund. A mid-year budget review required no amendments to other funds, however due to projections of lower revenues for this fiscal year in business licenses, property taxes and local option sales tax, staff is requesting approval of a \$800,000 reduction in this year's budget. On the expenditure side, staff was able to balance the reduction in the budget by allowing some vacancies to remain open; the later than anticipated hiring of the firefighters for Station 5; and a reduction in some other things.

Mayor Pro tem Brand made a motion to pass Bill No. 2011-10 on first reading. Councilwoman Williams-Blake seconded the motion, which carried unanimously.

Bill No. 2011-11 – First Reading

An Ordinance to amend the Hospitality Fee Budget for the City of Florence, South Carolina, for the fiscal year beginning July 1, 2010, and ending June 30, 2011.

An Ordinance to amend the Hospitality Fee Budget for the City of Florence, South Carolina for the fiscal year beginning July 1, 2010, and ending June 30, 2011 was passed on first reading.

Mr. David Williams, City Manager reported this budget amendment relates just to the Hospitality Fund. The Tennis Complex and downtown renovations are being funded from this budget.

Mr. Drew Griffin, Director of Public Works and Utilities gave Council an update on these two projects. The City funded the Tennis Complex project with \$3 million of Hospitality Funds; \$1.5 million from a Bruce and Lee grant; \$522,000 from the Florence County Infrastructure Fund and a donation of a little more than \$500,000 in land value. Total cost of the project is \$5.5 million. The initial project included 30 tennis courts. 24 were funded and constructed as asphalt courts. Several members of the Tennis Committee pursued a \$500,000 grant through the Bruce and Lee Foundation to construct 6 clay courts. The Bruce and Lee Foundation approved the grant and will reimburse the City \$500,000 in 2015 for the clay courts.

The second request for funding is for the parking lot that is under construction in downtown. The removal of the metal screening from the back of the properties in the downtown area, additional relocation expense for AT& T and Time Warner Cable and unsuitable soil that had to be replaced to complete the storm drainage work all contributed to an increase in the cost of the project. Staff is requesting \$100,000 to cover these unanticipated expenses. This project will solve the storm drainage issues for the new museum as well as the parking lot. Total cost of the project will be slightly higher than \$1.6 million.

Mayor Pro tem Brand made a motion to pass Bill No. 2011-11 on first reading. Councilman Willis seconded the motion, which carried unanimously.

Bill No. 2011-12 – First Reading

An Ordinance to amend the General Fund, Water and Sewer Utilities Enterprise Fund and Equipment Replacement Fund Budgets for the City of Florence, South Carolina, for the fiscal year beginning July 1, 2010, and ending June 30, 2011.

An Ordinance to amend the General Fund, Water and Sewer Utilities, Enterprise Fund and Equipment Replacement Fund Budgets for the City of Florence, South Carolina, for the fiscal year beginning July 1, 2010, and ending June 30, 2011 was passed on first reading.

Mr. David Williams, City Manager reported the purpose of this amendment is to provide funding for a major overhaul and upgrade of the City's IT facilities. This upgrade was planned for a later date, however due to unforeseen circumstances the City has had to move forward on this project. This amendment will bring from unappropriated surplus the funds necessary for the portion of the project that is being completed in the current fiscal year. Next year's proposed budget will include the part that will be completed in the upcoming fiscal year.

Mayor Pro tem Brand made a motion to pass Bill No. 2011-12 on first reading. Councilman Powers seconded the motion, which carried unanimously.

Bill No. 2011-13 – First Reading

An Ordinance to rezone property owned by the Housing Authority of Florence from B-2 to R-5.

An Ordinance to rezone property owned by the Housing Authority of Florence from B- 2 to R-5 was passed on first reading.

Mr. Paul Thebo, Planner II with the Urban Planning and Development Office, reported to Council that this is a rezoning request for a parcel located on Coker Street. The request is to rezone the property from B-2 to R-5. The property is shown more specifically on Florence County Tax Map 900114-04-001.

A public hearing for the rezoning was held at the March 8, 2011 Planning Commission meeting. The Planning Commission members voted to approve the request 8-0.

Councilman Powers made a motion to pass Bill No. 2011-13 on first reading. Mayor Pro tem Brand seconded the motion, which carried unanimously.

INTRODUCTION OF RESOLUTION

Resolution No. 2011-03

A Resolution to designate April, 2011 as Fair Housing Month in the City of Florence.

A Resolution to designate April, 2011 as Fair Housing Month in the City of Florence was adopted by Council.

Mayor Pro tem Brand made a motion to adopt Resolution No. 2011-03. Councilman Powers seconded the motion, which carried unanimously.

Resolution No. 2011-04

A Resolution to designate March 25, 2011 as Greek Independence Day in the City of Florence.

A Resolution to designate March 25, 2011 as Greek Independence Day in the City of Florence was adopted by Council.

Councilman Willis made a motion to adopt Resolution No. 2011-04. Councilman Powers seconded the motion, which carried unanimously.

Resolution No. 2011-05

A Resolution to designate April, 2011 as Child Abuse Prevention Month in the City of Florence.

A Resolution to designate April, 2011 as Child Abuse Prevention Month in the City of Florence was adopted by Council.

Councilman Powers made a motion to adopt Resolution No. 2011-05. Councilwoman Ervin seconded the motion, which carried unanimously.

REPORTS TO COUNCIL

Appointments to Boards and Commissions

Councilman Willis requested that an item be added to the agenda. There was no objection to this request.

Councilman Willis made a motion that two members be added to the Civic Center Commission. One member would be appointed by Florence City Council and one member would be appointed by Florence County Council. If Florence City Council approves this request, the recommendation would then be sent to the City County Conference Committee for their confirmation. Councilwoman Ervin seconded the motion.

**REGULAR MEETING OF FLORENCE CITY COUNCIL
MARCH 14, 2011 – PAGE 6**

Voting aye on Councilman Willis' motion were Councilwoman Ervin, Councilman Powers, Mayor Wukela, Mayor Pro tem Brand and Councilman Willis.

Voting no on the motion was Councilwoman Williams-Blake.

Councilwoman Ervin made a motion to defer the appointments to the Civic Center Commission and the Pee Dee Regional Airport Authority until the April 11, 2011 meeting. Councilman Willis seconded the motion.

Voting aye on Councilwoman Ervin's motion were Councilwoman Ervin, Councilman Powers, Mayor Wukela, Mayor Pro tem Brand and Councilman Willis.

Voting no on the motion was Councilwoman Williams-Blake.

Accommodations Tax Advisory Committee

Mayor Pro tem Brand made a motion to defer the nomination made by Councilman Robinson to appoint Patricia Byrd to serve on the Accommodations Tax Advisory Committee until a completed application is received from Ms. Byrd. Councilwoman Williams-Blake seconded the motion, which carried unanimously.

Mayor Pro tem Brand made a motion to accept the nomination made by Councilwoman Ervin to reappoint Mr. Steven Doulaveris to serve on the Accommodations Tax Advisory Committee and to accept the nomination made by Mayor Pro tem Brand to appoint Lyles Cooper Lyles to serve on the Accommodations Tax Committee. Councilwoman Ervin seconded the motion which carried unanimously.

City-County Agriculture Commission

Councilman Willis made a motion to accept the nomination made by him to reappoint Jessie Adams to serve on the City-County Agriculture Commission. Mayor Pro tem Brand seconded the motion, which carried unanimously.

City-County Building Commission

Mayor Pro tem Brand made a motion to accept the nomination made by Councilwoman Williams-Blake to reappoint Weston Patterson to serve on the City-County Building Commission. Councilman Powers seconded the motion, which carried unanimously.

City-County Civic Center Commission

The appointments to this Commission were deferred until the April 11, 2011 City Council meeting.

City-County Historical Commission

Councilman Willis made a motion to accept the nomination made by Councilwoman Ervin to appoint Alberta Major to serve on the City-County Historical Commission; to accept the nomination made by Councilman Brand to reappoint Mark W. Buyck, III to serve on the City-County Historical Commission; and to defer the nomination made by Councilman Robinson to appoint Maryland McClain until a completed application is received from Ms. McClain. Mayor Pro tem Brand seconded the motion, which carried unanimously.

**REGULAR MEETING OF FLORENCE CITY COUNCIL
MARCH 14, 2011 – PAGE 7**

City-County Memorial Stadium Commission

Councilman Willis made a motion to accept the nomination made by him to reappoint Chappel Jones to serve on the City-County Memorial Stadium Commission. Councilman Powers seconded the motion, which carried unanimously.

City of Florence Planning Commission

Councilman Willis made a motion to accept the nomination made by Councilwoman Ervin to appoint Betty Faye Gregg; to accept the nomination made by Mayor Wukela to reappoint Louis Hopkins; to accept the nomination made by Councilman Powers to reappoint Simon Lee; and to accept the nomination made by Councilwoman Williams-Blake to reappoint Andrew Chaplin, to serve on the City of Florence Planning Commission. Councilwoman Ervin seconded the motion, which carried unanimously.

City of Florence Zoning Board of Appeals

Councilman Powers made a motion to defer these appointments until the April 11, 2011 City Council meeting. Councilman Willis seconded the motion, which carried unanimously.

FLATS Committee

Councilman Willis made a motion to accept the nomination of himself to serve on the FLATS Committee. Mayor Pro tem Brand seconded the motion, which carried unanimously.

Housing Authority Board

Councilman Willis made a motion to accept the nomination made by Councilwoman Williams-Blake to reappoint Thomas E. Rogers, Jr. to serve on the Housing Authority Board. Councilman Powers seconded the motion, which carried unanimously.

Parks and Beautification Commission

Mayor Pro tem Brand made a motion to accept the nomination made by Councilman Powers to appoint David Wayne Joy and to accept the nomination made by Mayor Wukela to reappoint Helen Sims to serve on the Parks and Beautification Commission. Councilwoman Williams-Blake seconded the motion, which carried unanimously.

Pee Dee Regional Airport Authority

This appointment has been deferred until the April 11, 2011 City Council meeting.

Veterans Park Committee

Councilman Powers made a motion to defer the nomination of John Howard made by Councilman Robinson until a completed application is received from Mr. Howard. Councilwoman Ervin seconded the motion, which carried unanimously.

**REGULAR MEETING OF FLORENCE CITY COUNCIL
MARCH 14, 2011 – PAGE 8**

Pee Dee Regional Transportation Authority

Councilman Powers made a motion to accept the nomination made by Mayor Pro tem Brand to reappoint Councilman Ed Robinson to serve on the Pee Dee Regional Transportation Authority. Mayor Pro tem Brand seconded the motion, which carried unanimously.

EXECUTIVE SESSION

Mayor Wukela stated an Executive Session has been scheduled for the purpose of receiving legal advice regarding the completion and negotiation of two contractual matters and if needed, legal advice regarding the smoking ordinance, which has been submitted to Legal Counsel for review. The second matter for Executive Session is for the continuing discussion regarding the process to conduct the search for the new City Manager.

Councilman Willis made a motion to enter into Executive Session. Councilwoman Ervin seconded the motion, which carried unanimously.

Council entered into Executive Session at 2:45 p.m.

Mayor Wukela reconvened the regular meeting at 3:52 p.m.

Mayor Wukela stated that no action was taken in Executive Session and no action is required.

ADJOURN

Councilman Willis made a motion to adjourn the meeting. Mayor Pro tem Brand seconded the motion, which carried unanimously.

The meeting was adjourned at 3:53 p.m.

Dated this 11th day of April, 2011.

Dianne M. Rowan, Municipal Clerk

Stephen J. Wukela, Mayor

**SPECIAL MEETING OF FLORENCE CITY COUNCIL
FRIDAY, MARCH 25, 2011 - 1:00 P.M.
WASTEWATER TREATMENT FACILITY, 1000 STOCKADE ROAD
FLORENCE, SOUTH CAROLINA**

MEMBERS PRESENT: Mayor Wukela called the special meeting to order at 1:00 p.m. with the following members present: Mayor Pro tem Buddy Brand; Councilwoman Teresa Myers Ervin; Councilman Steve Powers; Councilwoman Octavia Williams-Blake; Councilman Ed Robinson and Councilman Glynn Willis.

ALSO PRESENT: Mr. David N. Williams, City Manager; Mrs. Dianne M. Rowan, Municipal Clerk; and Mr. James W. Peterson, Jr., City Attorney.

MEDIA PRESENT: Notices of this special meeting of Florence City Council were sent to the media informing them of the date, time and location of the meeting. No one from the media was present for the meeting.

EXECUTIVE SESSION

Mayor Wukela stated that the purpose of the meeting is to discuss a personnel matter in Executive Session.

Councilman Powers made a motion to enter into Executive Session. Councilman Willis seconded the motion, which carried unanimously.

Council entered into Executive Session at 1:21 p.m.

Mayor Wukela reconvened the meeting at 1:32 p.m.

Mayor Wukela stated that no action was requested in Executive Session and no action was taken.

ADJOURN

Councilman Willis made a motion to adjourn the meeting. There was no objection. The meeting was adjourned at 1:34 p.m.

Dated this 11th day of April, 2011.

Dianne M. Rowan, Municipal Clerk

Stephen J. Wukela, Mayor

**SPECIAL MEETING OF FLORENCE CITY COUNCIL
MONDAY, APRIL 4, 2011 - 9:00 A.M.
CITY-COUNTY COMPLEX, CITY MANAGER'S CONFERENCE ROOM, #605
FLORENCE, SOUTH CAROLINA**

MEMBERS PRESENT: Mayor Wukela called the special meeting to order at 9:00 a.m. with the following members present: Mayor Pro tem Buddy Brand; Councilwoman Teresa Myers Ervin; Councilman Steve Powers; Councilman Ed Robinson and Councilman Glynn Willis.

MEMBERS ABSENT: Councilwoman Octavia Williams-Blake was absent.

ALSO PRESENT: Mr. David N. Williams, City Manager; Mrs. Dianne M. Rowan, Municipal Clerk; and Mr. James W. Peterson, Jr., City Attorney.

MEDIA PRESENT: Notices of this special meeting of Florence City Council were sent to the media informing them of the date, time and location of the meeting. Mr. Tucker Mitchell of the Morning News was present for the meeting.

INVOCATION

Councilwoman Teresa Myers Ervin gave the invocation, which was followed by the Pledge of Allegiance to the American Flag.

REPORT TO COUNCIL

A report regarding the Contractual Agreement with Ms. Rennie Lunn-McAllister relating to the City sponsored Channel 11 City Talk program.

Mayor Wukela stated the purpose of the special meeting is to review the contractual agreement with Ms. Rennie Lunn-McAllister related to the city sponsored Channel 11 City Talk program.

Ms. McAllister presented an overview of the City Talk program and her part in hosting and producing the program. Ms. McAllister stated her contract was up for renewal as of April 1, 2011 and is appearing before Council to answer any questions regarding this agreement.

EXECUTIVE SESSION

Mayor Pro tem Brand made a motion for Council to enter into Executive Session to discuss Ms. McAllister's contract. Councilman Robinson seconded the motion, which carried unanimously. Council entered into Executive Session at 9:05 a.m.

Mayor Wukela reconvened the special meeting at 9:18 a.m.

Councilman Powers made a motion to authorize staff to execute a new contract on the terms stated in Executive Session and for Council to draft the new contract. Councilwoman Myers Ervin seconded the motion, which carried unanimously.

ADJOURN

Mayor Pro tem Brand made a motion to adjourn the meeting. There was no objection.
The meeting was adjourned at 9:20 a.m.

Dated this 11th day of April, 2011.

Dianne M. Rowan, Municipal Clerk

Stephen J. Wukela, Mayor

FLORENCE CITY COUNCIL MEETING

DATE: March 14, 2011
AGENDA ITEM: Ordinance – First Reading
DEPARTMENT/DIVISION: Finance

I. ISSUE UNDER CONSIDERATION

Amendment to the FY 2010-11 City of Florence General Fund Budget.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN

No previous action has been taken on this ordinance.

III. POINTS TO CONSIDER

The objective of the proposed ordinance is to more closely align budgeted amounts with actual revenues and expenditures thereby eliminating or reducing significant variances between budgeted and actual amounts in both revenue and expenditure categories.

Based on a midyear review of projections in the General Fund, budget reductions are proposed in the revenues and expenditures to ensure that the City maintains a realistic and balanced budget wherein revenues and expenditures are appropriately aligned.


IV. STAFF RECOMMENDATION

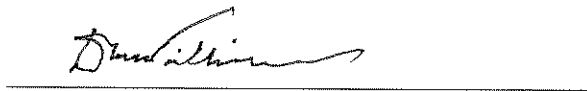
Approval and adoption of the proposed ordinance.

VI. ATTACHMENTS

Copy of the proposed ordinance.

Summary of recommended revenue budget reductions by category and expenditure budget reductions by department.


Thomas W. Chandler
Finance Director


David N. Williams
City Manager

**MID-YEAR REVIEW SUMMARY
FISCAL YEAR 2010-2011**

10 GENERAL FUND

REVENUES

| | CURRENT BUDGET | INCREASE/ (DECREASE) | ADJUSTED BUDGET |
|-----------------------|---------------------|-------------------------|---------------------|
| Property Taxes | \$9,357,000 | (\$174,700) | \$9,182,300 |
| Licenses and Fees | \$10,950,000 | (\$290,000) | \$10,660,000 |
| Intergovernmental | \$1,717,500 | (\$14,800) | \$1,702,700 |
| Charges for Services | \$1,893,500 | (\$13,500) | \$1,880,000 |
| Fines and Forfeitures | \$959,600 | (\$197,600) | \$762,000 |
| Investment Earnings | \$35,400 | (\$15,400) | \$20,000 |
| Other Revenues | \$803,000 | (\$75,000) | \$728,000 |
| Interfund Transfer | \$2,864,000 | (\$19,000) | \$2,845,000 |
| TOTAL REVENUES | \$28,580,000 | (\$800,000) | \$27,780,000 |

EXPENDITURES

| DEPARTMENT | DEPT NO. | CURRENT BUDGET | INCREASE/ (DECREASE) | ADJUSTED BUDGET |
|---------------------------------|-------------|---------------------|-------------------------|---------------------|
| City Council | 410 | \$259,900 | (\$5,220) | 254,680 |
| Legal Services | 411 | 159,740 | (\$440) | 159,300 |
| Justice and Law | 412 | 460,330 | (\$2,420) | 457,910 |
| City Manager | 413 | 481,610 | (\$9,210) | 472,400 |
| Finance | 415 | 796,490 | \$15,420 | 811,910 |
| Personnel | 416 | 507,680 | (\$16,250) | 491,430 |
| Community Services | 419 | 457,410 | (\$5,230) | 452,180 |
| Police | 421 | 9,101,290 | (\$212,800) | 8,888,490 |
| Fire | 422 | 5,061,510 | (\$230,110) | 4,831,400 |
| Streets and Beautification | 431 | 1,458,280 | (\$40,910) | 1,417,370 |
| Sanitation | 432 | 2,979,120 | (\$147,870) | 2,831,250 |
| Equipment Maintenance | 433 | 401,920 | (\$3,660) | 398,260 |
| Parks and Leisure Services | 451 | 1,647,480 | (\$30,580) | 1,616,900 |
| Athletic Programs | 453 | 1,106,280 | (\$80,360) | 1,025,920 |
| Urban Planning & Development | 463 | 711,560 | (\$60) | 711,500 |
| Debt Service Fund | 470 | 427,500 | \$0 | 427,500 |
| Employee Fringes and Benefits | 490 | 614,200 | (\$27,000) | 587,200 |
| General Insurance/Claims | 491 | 425,000 | (\$65,000) | 360,000 |
| Community Programs and Projects | 492 | 145,000 | \$0 | 145,000 |
| Nondepartmental Expenses | 493 | 1,377,700 | \$61,700 | 1,439,400 |
| TOTAL EXPENDITURES | | \$28,580,000 | (\$800,000) | \$27,780,000 |

| | | | | |
|---------------------------------------|--|------------|------------|------------|
| EXCESS REVENUES/(EXPENDITURES) | | \$0 | \$0 | \$0 |
|---------------------------------------|--|------------|------------|------------|

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE GENERAL FUND BUDGET FOR THE CITY OF FLORENCE, SOUTH CAROLINA, FOR THE FISCAL YEAR BEGINNING JULY 1, 2010, AND ENDING JUNE 30, 2011.

BE IT ORDAINED by the City Council of the City of Florence, South Carolina, in a meeting duly assembled and by the authority thereof that the budget for the City of Florence, South Carolina, for the fiscal year beginning July 1, 2010, and ending June 30, 2011, is hereby amended as follows:

Section 1. That the category of revenues of the General Fund in said budget is hereby amended by revising line item appropriations in categories of General Property Tax, Licenses and Fees, Intergovernmental, Charges for Service, Fines and Forfeitures, Investment Earnings, Interfund Transfers and Other Revenues for a net reduction in total General Fund revenues of \$800,000.

Section 2. That the category of expenditures of the General Fund in said budget is hereby amended by revising departmental and non-departmental expenditures for a net reduction in total General Fund expenditures of \$800,000.

This Ordinance shall become effective immediately upon its approval and adoption by the City Council of the City of Florence.

ADOPTED THIS _____ DAY OF _____, 2011.

Approved as to form:

James W. Peterson, Jr.
City Attorney

Stephen J. Wukela
Mayor

Attest:

Diane Rowan
Municipal Clerk

FLORENCE CITY COUNCIL MEETING

DATE: March 14, 2011
AGENDA ITEM: Ordinance – First Reading
DEPARTMENT/DIVISION: Finance

I. ISSUE UNDER CONSIDERATION

Amendment to the FY 2010-11 City of Florence Hospitality Fee Fund Budget.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN

No previous action has been taken on this ordinance.

III. POINTS TO CONSIDER

The objective of the proposed ordinance is to more closely align budgeted amounts with actual revenues and expenditures thereby eliminating or reducing significant variances between budgeted and actual amounts in both revenue and expenditure categories.

Funds are being budgeted in the Hospitality Fee Fund to include revenue from Unappropriated Surplus and offsetting expenditures for additional enhancements related to the Tennis Center Construction Project and the Downtown Parking/Streetscape Project.


IV. STAFF RECOMMENDATION

Approval and adoption of the proposed ordinance.


VI. ATTACHMENTS

Attachment 1: Update on Tennis Complex
Attachment 2: Update on Downtown Parking

Copy of the proposed ordinance.



Thomas W. Chandler
Finance Director



David N. Williams
City Manager

FLORENCE CITY COUNCIL MEETING

DATE: March 14, 2011

DEPARTMENT: Public Works & Utilities

SUPPLEMENTAL INFORMATION: Acceptance of a grant from the Drs. Bruce & Lee Foundation in the amount of \$500,000 to construct six clay courts at the Tennis Complex.

CURRENT STATUS AND PREVIOUS ACTION:

1. During FY 08-09, City Council approved a funding plan for the construction of a Tennis Complex on land donated to the City.
2. Funding for the project is noted below:

| <u>Work Task</u> | <u>Budget</u> | <u>Source</u> |
|------------------|------------------|----------------------------|
| Tennis Project | \$3,000,000 | COF Hospitality Funds |
| Land (24 acres) | 535,000 | Donation (Appraised Value) |
| Road/Water/Sewer | 522,000 | FC Infrastructure Funds |
| Activity Center | <u>1,500,000</u> | B & L Foundation |
| TOTAL | \$5,557,000 | |

3. A committee was established to assist the City in the project that consisted of the following representatives; Florence Tennis Association – Ed Springer and Ernie James; Drs. Bruce & Lee Foundation – Henry Swink; Florence County – Jennie O'Bryan; City of Florence – Drew Griffin and Chuck Pope.
4. The Tennis Complex is substantially complete with its first tournament scheduled for March 4-6, 2011.
5. The Activity Center is approximately 50% complete with a scheduled completion date of June 2011.
6. The road, water, sewer infrastructure is complete.

POINTS TO CONSIDER:

1. Initially, the Florence Tennis Association proposed to the City a tennis project that included 30 courts.
2. In the request for the gift of land, both the Florence Tennis Association and the City of Florence proposed an area sufficient to house a 30 court complex.

Attachment 1

3. Over the course of the planning and construction period, local interest to construct six "clay" courts materialized.
4. Through a committee member a request was made to the Dr. Bruce & Lee Foundation for the funding of the six clay courts in the amount of \$500,000.
5. Clay courts are often preferred over asphalt courts because the courts surface reduces the ball speed producing a higher bounce and a clay court is often considered a more favorable (softer) surface on which to play.
6. The type of clay court proposed to be constructed at the Florence Tennis Complex is the green clay or "Har-Tru" court which is fairly common within South Carolina.
7. City staff has received a firm proposal in the amount of \$513,000 for the construction of the six clay courts which includes lighting, fencing, and access to the courts. The remaining \$13,000 is funded through savings realized from the construction of the Tennis Activity Building. The Tennis Activity Building was also funded by the Drs. Bruce & Lee Foundation.
8. In the same manner as the grant for the Tennis Activity Center, the Drs. Bruce & Lee Foundation shall reimburse the City at a later date. This reimbursement requires that the City amend its budget to allocate costs in this current year. The recommended source of funding as in the initial grant is Hospitality Funds.

PERSONAL NOTES:

STAFF RECOMMENDS/COMMENTS:


Staff recommends the adoption of the budget amendment in support of this project.

ATTACHMENTMENT:

1. Site location Map.
2. Photo of a Har-Tru Court.

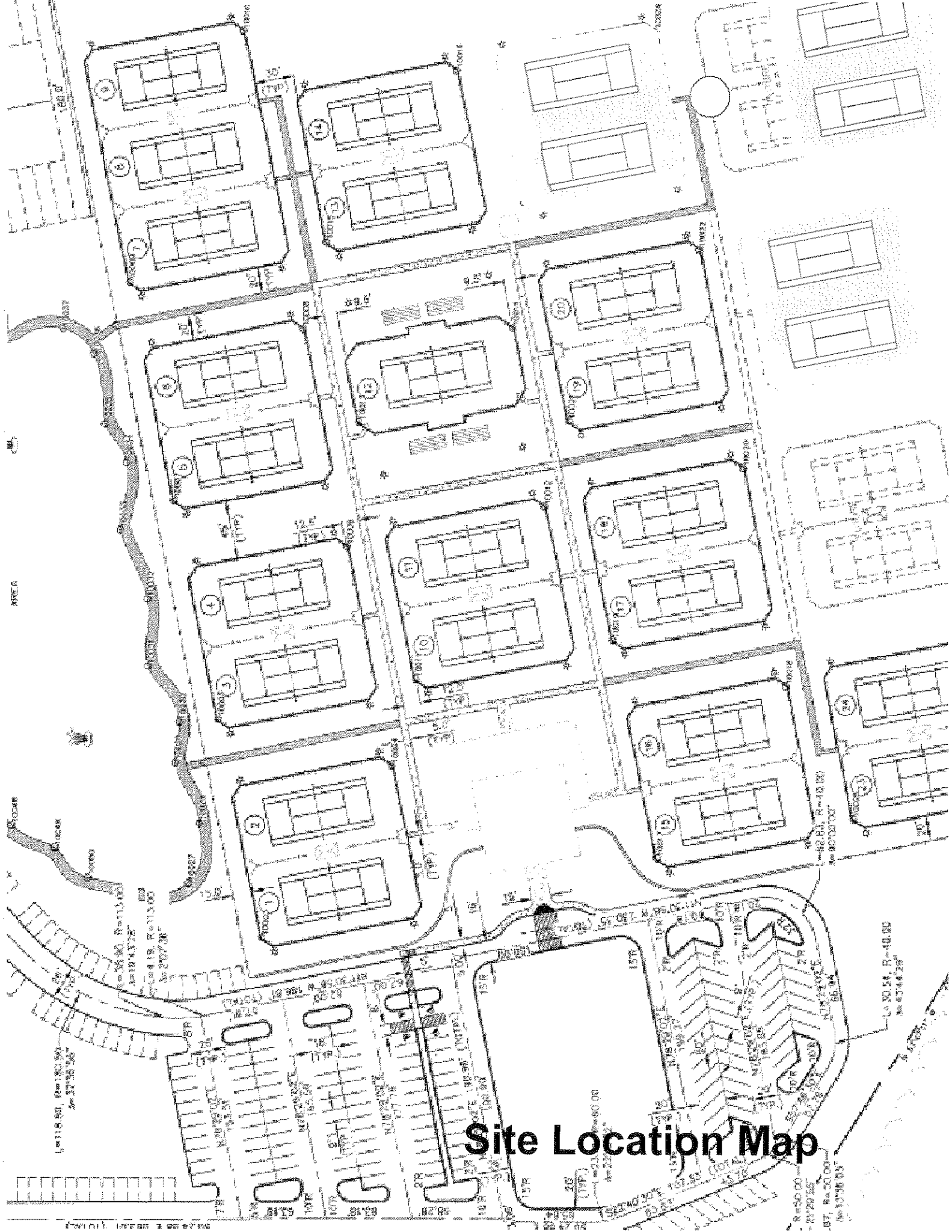


Andrew H. Griffin, Public Works & Utilities

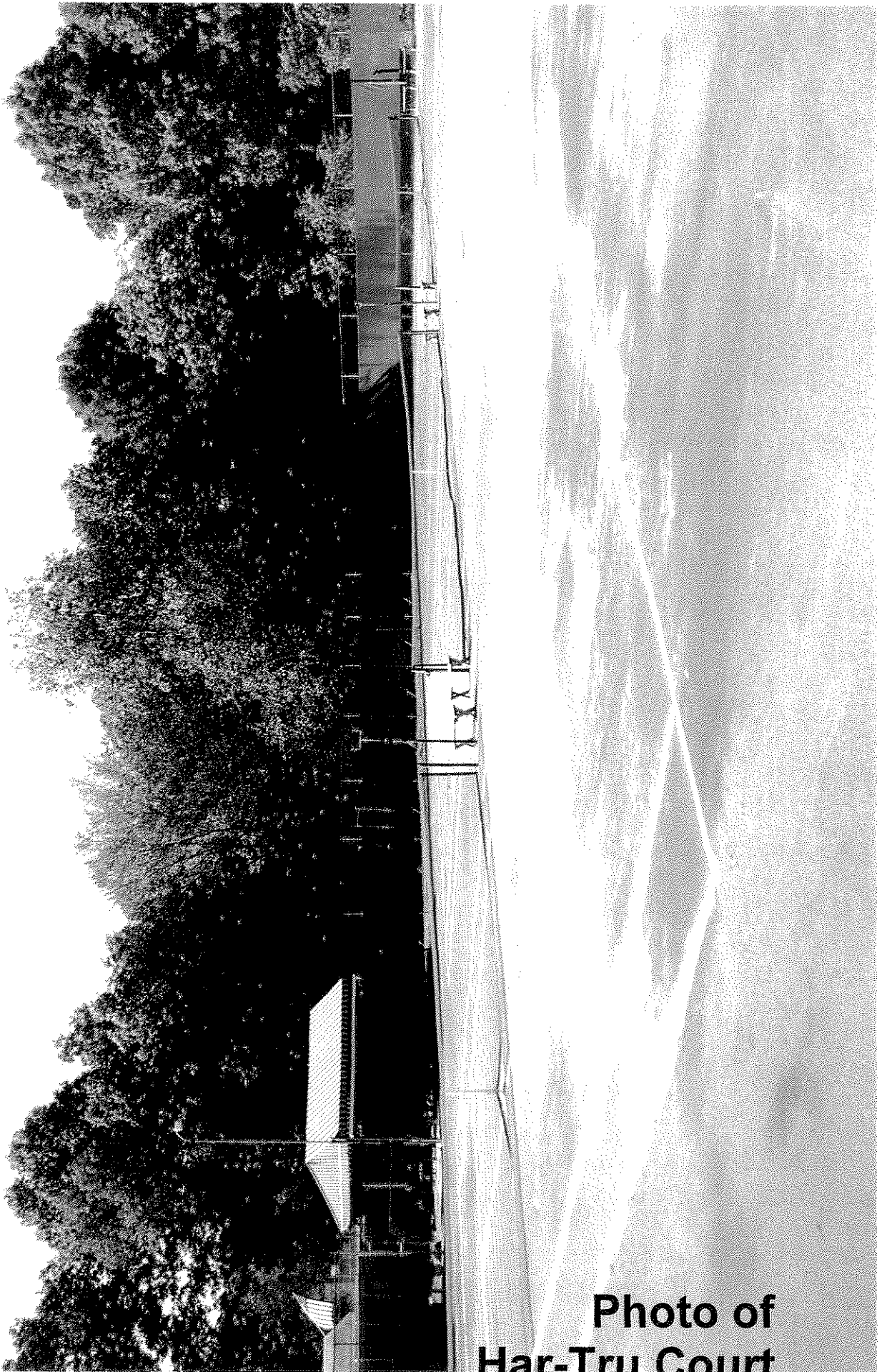


David N. Williams, City Manager

Attachment 1



Site Location Map



**Photo of
Har-Tru Court**

FLORENCE CITY COUNCIL MEETING

DATE: March 14, 2011

DEPARTMENT: Public Works & Utilities

SUPPLEMENTAL INFORMATION: Update of the Downtown Parking Lot to include change in scope and cost.

CURRENT STATUS AND PREVIOUS ACTION:

1. Fiscal Year 09-10, the City committed to construct surface level parking lot in support of downtown economic development, the FMU Performing Arts Center, and the Florence Museum.
2. Generally, the project consisted of the following elements:
 - Landscaped pedestrian movement from the Plaza to the Performing Arts Center consistent with the Downtown Redevelopment Plans.
 - A “green” venue in support of downtown events.
 - Underground utilities.
 - Removal of metal screening material and concrete block walls.
 - Provision of underground services and renewed electrical services to 100 Block of South Dargan Street, 100 Block of West Evans Street, and 100 Block of South Irby Street.
 - Enhancement to existing street lighting on Cheves Street and certain areas of the 100 Block of South Dargan Street.
 - Landscaping in association with the project.
3. Project approved funding level \$1,516,000. Below is a break-down of cost associated with the project:

| | |
|-------------------------|----------------|
| • Base bid | \$1,144,300 |
| • Engineering | 78,000 |
| • Testing services | 3,000 |
| • Underground utilities | <u>205,000</u> |
| Total | \$1,430,300 |

4. Through Councilman Schofield, Florence County approved \$25,000 to assist with the project – specifically for the DOT requirement to upsize the stormdrain piping within Cheves Street.
5. Given all costs associated with the project and funding from the County the City operated with a project contingency of \$85,700 (funding - expenses).

POINTS TO CONSIDER:

1. Given the project was not in a "Greenfield" but located in the core of downtown there were potentially a number of unknowns associated with the project. Generally, those concerns were related to the change out of electrical services for each business location, potential for old foundations or poor quality soils associated with the site, repairs to buildings as the "old" metal screening was removed, costs associated with property acquisition, and conflicts related to stormdrain work within Cheves Street.
2. The City minimized these potential costs by using in-kind services where applicable, closely monitoring the acceptance/removal of existing soil, and being on site on a daily basis to provide input and direction to the Contractor.
3. Given these limitations, the following additional costs materialized:

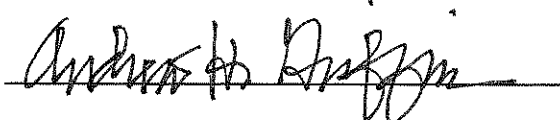
| <u>Work Task</u> | <u>Costs</u> |
|--|---------------|
| • Property acquisition (appraisals, condemnation procedures) | \$ 27,400 |
| • Metal screening | 5,000 |
| • Time Warner Cable (relocation of services) | 16,000 |
| • AT&T (relocation of services – Dargan St. | 10,000 |
| • Repair to private property (trenching for services) | 10,000 |
| • Cut & fill (poor quality soils - removal and replacement) | 72,000 |
| • Repairs/conflicts (Cheves Street Stormdrain) | 20,200 |
| • Contingency | <u>25,600</u> |
| Total | \$185,700 |

4. Given the additional costs associated with the project and taking into account for project contingency the budget shortfall is \$100,000.

PERSONAL NOTES:

STAFF RECOMMENDS/COMMENTS

Staff recommends the adoption of the budget amendment in support of this project.



Andrew H. Griffin, Public Works & Utilities



David N. Williams, City Manager

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE HOSPITALITY FEE FUND BUDGET FOR THE CITY OF FLORENCE, SOUTH CAROLINA, FOR THE FISCAL YEAR BEGINNING JULY 1, 2010, AND ENDING JUNE 30, 2011.

BE IT ORDAINED by the City Council of the City of Florence, South Carolina, in a meeting duly assembled and by the authority thereof that the budget for the City of Florence, South Carolina, for the fiscal year beginning July 1, 2010, and ending June 30, 2011, is hereby amended as follows:

Section 1. That the category of revenues of the Hospitality Fee Fund in said budget is hereby amended by the additional appropriations as follows:

26-377-1000 Unappropriated Surplus is funded in the total amount of \$600,000 from reservations of fund balance from the prior fiscal year.

Section 2. That the category of expenditures of the Hospitality Fee Fund in said budget is hereby amended by the additional appropriations as follows:

26-465-0125 Downtown Parking/Streetscape Project (Hospitality Fund General Expenditures) is revised in the amount of \$100,000 to provide for additional improvements related to the downtown parking and streetscape project.

26-465-0195 Tennis Center Clay Courts Project (Hospitality Fund General Expenditures) is funded in the amount of \$500,000 to provide advance funding for costs related to the construction of six clay surfaced tennis courts at the Tennis Complex, such funds to be reimbursed to the City by the Drs Bruce and Lee Foundation in the year 2015.

This Ordinance shall become effective immediately upon its approval and adoption by the City Council of the City of Florence.

ADOPTED THIS _____ DAY OF _____, 2011.

Approved as to form:

James W. Peterson, Jr.
City Attorney

Stephen J. Wukela
Mayor

Attest:

Diane Rowan
Municipal Clerk

FLORENCE CITY COUNCIL MEETING

DATE: March 14, 2011
AGENDA ITEM: Ordinance – First Reading
DEPARTMENT/DIVISION: Finance

I. ISSUE UNDER CONSIDERATION

Amendment to the 2010-2011 City of Florence General Fund, Water and Sewer Utilities Enterprise Fund and Equipment Replacement Fund Budgets.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN

No previous action has been taken on this ordinance.

III. POINTS TO CONSIDER

The objective of the proposed ordinance is to more closely align budgeted amounts with actual revenues and expenditures thereby eliminating or reducing significant variances between budgeted and actual amounts in both revenue and expenditure categories.


Funds are being budgeted in the General Fund, Water and Sewer Utilities Enterprise Fund and Equipment Replacement Fund to include revenue from Unappropriated Surplus and offsetting expenditures for current year requirements for the installation and implementation of new administration, management and operating software for Finance and HR and related hardware.

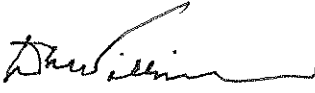
IV. STAFF RECOMMENDATION

Approval and adoption of the proposed ordinance.

VI. ATTACHMENTS

Copy of the proposed ordinance.


Thomas W. Chandler
Finance Director


David N. Williams
City Manager

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE GENERAL FUND, WATER AND SEWER UTILITIES ENTERPRISE FUND AND EQUIPMENT REPLACEMENT FUND BUDGETS FOR THE CITY OF FLORENCE, SOUTH CAROLINA, FOR THE FISCAL YEAR BEGINNING JULY 1, 2010, AND ENDING JUNE 30, 2011.

BE IT ORDAINED by the City Council of the City of Florence, South Carolina, in a meeting duly assembled and by the authority thereof that the budget for the City of Florence, South Carolina, for the fiscal year beginning July 1, 2010, and ending June 30, 2011, is hereby amended as follows:

Section 1. That the category of revenues of the General Fund in said budget is hereby amended hereby amended by the additional appropriations as follows:

10-377-1000 Unappropriated Surplus is funded in the total amount of \$84,000 from reservations of fund balance from the prior fiscal year.

Section 2. That the category of expenditures of the General Fund in said budget is hereby amended by the additional appropriations as follows:

10-493-0595 Management Systems Software (Non-Departmental) is funded in the amount of \$84,000 to provide for the General Fund portion of current year requirements for the installation and implementation of new administration, management and operating software for Finance and HR.

Section 3. That the category of revenues of the Water and Sewer Utilities Enterprise Fund in said budget is hereby amended by the additional appropriations as follows:

20-377-1000 Unappropriated Surplus is funded in the total amount of \$104,000 from reservations of fund balance from the prior fiscal year.

Section 4. That the category of expenditures of the Water and Sewer Utilities Enterprise Fund in said budget is hereby amended by the additional appropriations as follows:

20-493-0595 Management Systems Software (Non-Departmental) is funded in the amount of \$104,000 to provide for the Water & Sewer Utilities Fund portion of current year requirements for the installation and implementation of new administration, management and operating software for Finance and HR.

Section 5. That the category of revenues of the Equipment Replacement Fund in said budget is hereby amended by the additional appropriations as follows:

FY 2010-2011 Budget Amendment Ordinance (continued)

40-377-1000 Unappropriated Surplus is funded in the total amount of \$100,000 from reservations of fund balance from the prior fiscal year.

Section 6. That the category of expenditures of the Equipment Replacement Fund in said budget is hereby amended by the additional appropriations as follows:

40-493-0600 Data Processing Equipment Hardware (Non-Departmental) is funded in the amount of \$100,000 to provide for current year funding requirements for computer hardware equipment and installation needed to support new administration, management and operating software for Finance and HR.

This Ordinance shall become effective immediately upon its approval and adoption by the City Council of the City of Florence.

ADOPTED THIS _____ DAY OF _____, 2011.

Approved as to form:

James W. Peterson, Jr.
City Attorney

Stephen J. Wukela
Mayor

Attest:

Diane Rowan
Municipal Clerk

CITY OF FLORENCE COUNCIL MEETING

DATE: March 14, 2011

AGENDA ITEM: Ordinance
First Reading

DEPARTMENT/DIVISION: City of Florence Urban Planning & Development Department

I. ISSUE UNDER CONSIDERATION:

Rezoning of a parcel on Coker Street from B-2 to R-5. Tax Map #900114-04- 001.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

No previous action has been taken on this request. A Public Hearing for rezoning was held at the March 8, 2011 Planning Commission meeting. Planning Commission members voted to approve the requests 8-0.

III. POINTS TO CONSIDER:

This item is being introduced for first reading only.

IV. OPTIONS:

City Council may:

- (1) Approve request as presented based on information submitted.*
- (2) Defer request should additional information be needed.*
- (3) Suggest other alternatives.*
- (4) Deny request.*

V. PERSONAL NOTES:

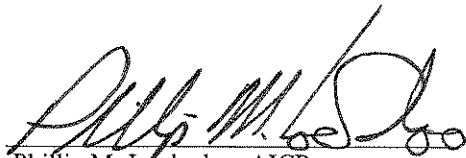
VI. ATTACHMENTS:

Map showing the location of the property.

Zoning Map

Comprehensive Plan Map

Staff Report



Phillip M. Lookadoo, AICP
Urban Planning and Development Director



David N. Williams
City Manager

ZONING PETITION STAFF CHECKLIST

IDENTIFYING DATA

Name of Owner: Housing Authority

Location of Properties: Coker St. south off Oakland Avenue

Tax Parcel Number(s): 90114-04-001 0.26 Acres

Date: March 8, 2011

GENERAL BACKGROUND DATA

Parcel 90114-04-001 is part of a multi-family development project initiated by the Housing Authority. The multi parcel site is zoned R-5 with one vacant out liar parcel zoned B-2. This rezoning request seeks to unify the zoning of the entire Housing Authority development site.

DIMENSIONAL REQUIREMENTS

The parcel will be combined as part of a larger tract. Dimensional requirements will be met for a R-5 Zoning District. Development standards for B-2 are less restrictive for impervious surface area than R-5 with a greater front setback required.

MISCELLANEOUS PROVISIONS

Is any portion of the property in floodplain? No

Are there any known zoning violations on this site? No

If so, explain:

Tax records indicate the owner(s) as: Housing Authority of Florence

This application is submitted by:

- the owner listed above
- an agent for the owner
- other: City of Florence

ZONING PETITION STAFF CHECKLIST

LAND USE PLAN CONFORMANCE

Is there any discrepancy between current or proposed zoning and the Land Use Plan? If so, what is the discrepancy?

The newly adopted Land Use Plan recommends initiating rezoning as appropriate to accommodate infill development (2.16). The Future Land Use Map designates the entire Housing Authority site a Neighborhood Conservation (NC). The use of the site will be changed from vacant to multi-family. There are currently multi-family dwellings located on the overall site that will be demolished. The redevelopment of the site does not change the use and has the opportunity to enhance and extend the character of the neighborhood.

ADDITIONAL CRITERIA FOR CONSIDERATION

1. What changes have, or are, occurring in the area to justify a change in zoning?
The Housing Authority has begun the redevelopment process for a new multi-family housing project. Road abandonment by the City has been completed for portions of Rose Street and Coker Street.

2. What are adjacent properties zoned, and what are adjacent land uses?

| <u>Direction</u> | <u>Zoning</u> | <u>Land Use</u> |
|------------------|---------------|------------------|
| North | R-5 | Vacant |
| Northeast | B-2 | Limited Business |
| East | R-5 | Vacant |
| Southeast | R-5 | Vacant |
| South | R-5 | Vacant |
| Southwest | R-5 | Residential |
| West | R-5 | Vacant |
| Northwest | R-5 | Vacant |

3. What are development plans in the area – roads, schools, future commercial development, etc.?
New multi-family housing development. Existing infrastructure is already in place.
4. Is there a reason the current land use cannot continue to be feasible as it now exists?
The land is vacant and is part of a proposed infill project.

ZONING PETITION STAFF CHECKLIST

5. List some potential uses under existing zoning.
Convenience commercial businesses including retail and office type uses.

6. List some potential uses under proposed zoning.
Residential multi-family.

7. Are any of these uses inappropriate for this location, and if so, why?
No.

8. (a) What is applicant's stated reason for requesting zoning?
The re-zoning would unify the zoning of the overall site of their infill development project.

9. (a) What will be the benefits to the surrounding properties?
A new multi-family housing project would replace the existing deteriorating housing that now exists.

- (b) What will be the detriments to the surrounding properties?
NA

10. Is a traffic study required for this petition?
No.

If so, what are the recommendations of the study?
NA

11. What does the purpose statement of the proposed zoning district say?
R-5 is intended to accommodate higher density residential development and a variety of housing types on small lots or in project settings in areas accessible by major streets and in proximity to commercial uses, employment opportunities, and community facilities. It is further intended to permit development flexibility in meeting the demands and preferences of a changing housing market, and doing so in an orderly, compatible manner.

ZONING PETITION STAFF CHECKLIST

12. Will this proposal meet the intent of the above purpose statement?
Yes.

Location Map



Urban Planning &
Development Department

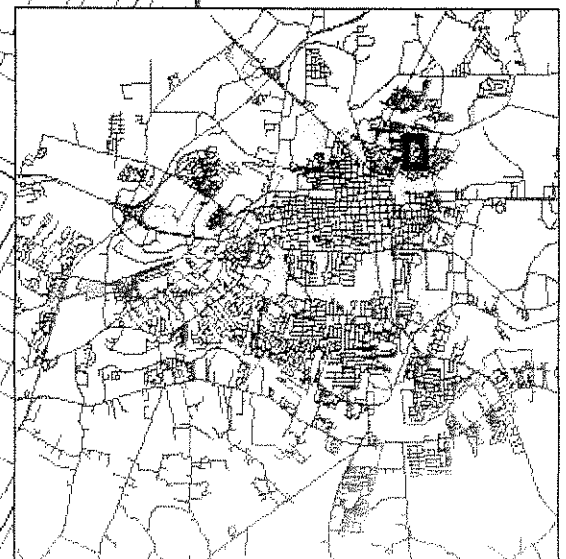


Legend

- Re-Zone Request
- Road Segment
- Parcels

ORIGINAL PREPARATION
This map was prepared by:
City of Florence
Urban Planning & Development Department

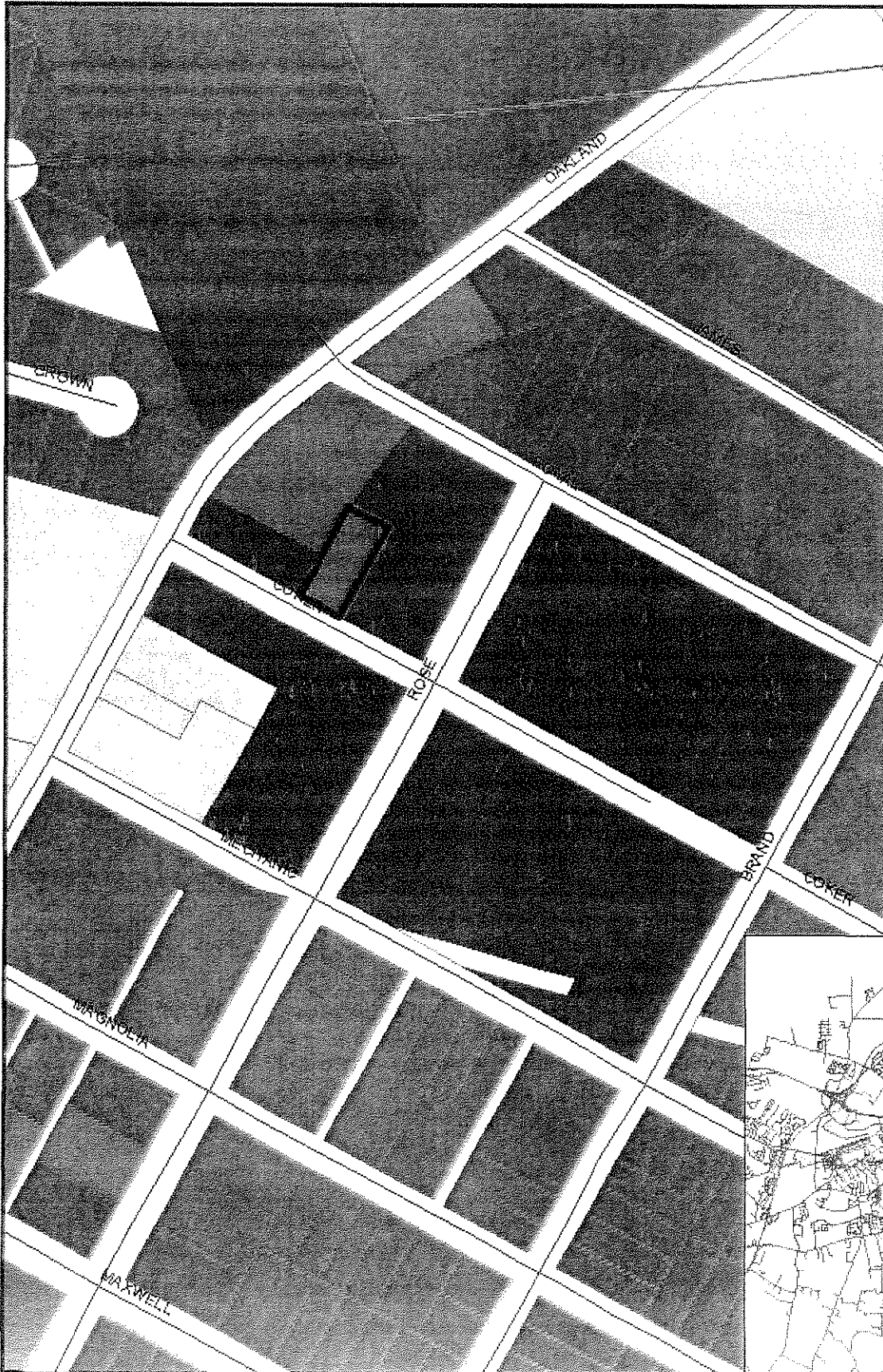
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ZONING MAP



Urban Planning &
Development Department



Legend

- Re-zone request
- Road Segment
- Parcels

Zoning

ZONE CODE

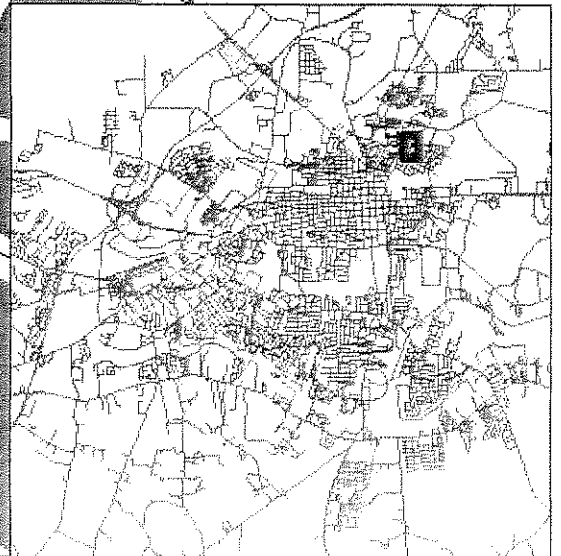
- B-1, LIMITED
- B-2, CONVENIENCE
- B-3, GENERAL
- B-4, CENTRAL
- B-5, OFFICE-LIGHT INDUSTRIAL
- B-6, INDUSTRIAL
- PD, PLANNED DEVELOPMENT
- R-1, SINGLE-FAMILY, LARGE LOTS
- R-2, SINGLE-FAMILY, MEDIUM LOTS
- R-3, SINGLE-FAMILY, SMALL LOTS
- R-4, MULTI-FAMILY, LIMITED
- R-5, MULTI-FAMILY
- RU-1, COMMUNITY
- RU-2, RESOURCE
- UNZONED

ORIGINAL PREPARATION

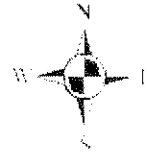
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Urban Planning & Development Department

DISCLAIMER:

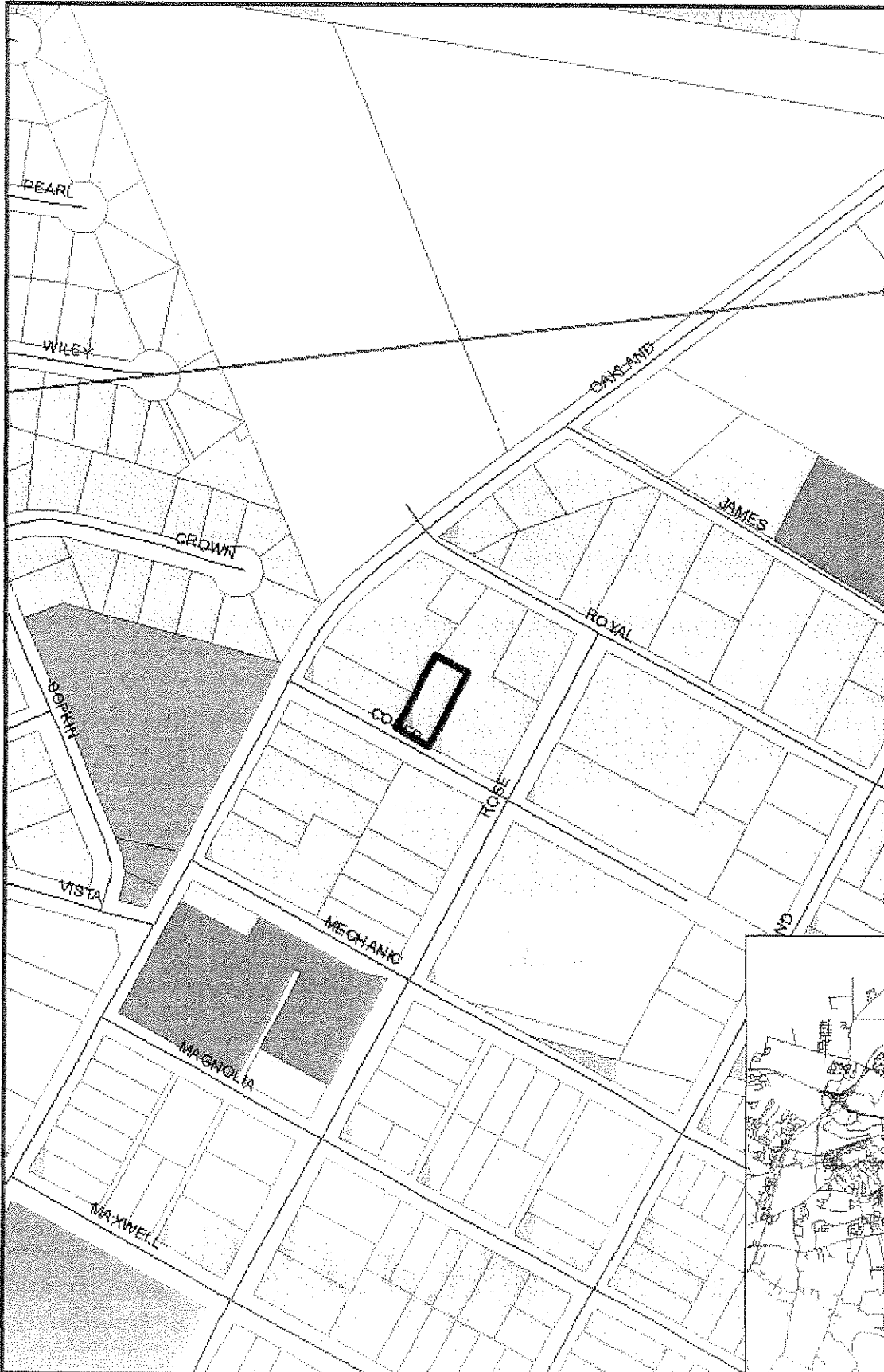
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Future Land Use



Urban Planning & Development Department

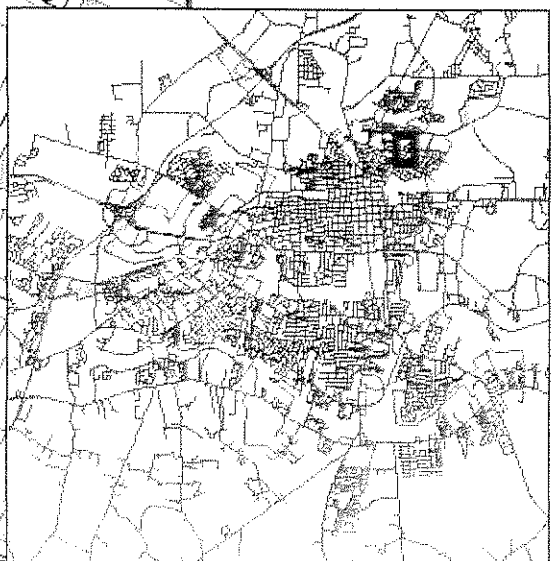


Legend

- Re-zone request
- Road Segment
- Parcels
- Rural
- Neighborhood Conservation
- Residential Estate
- Residential Sub-Urban
- Residential Auto-Urban
- Residential Transition
- Residential Urban
- Sub-Urban Commercial
- Auto-Urban Commercial
- Central Business District
- Business Parks
- Industrial
- Public and Institutional
- Parks and Open Space

ORIGINAL PREPARATION
 This map was prepared by:
 City of Florence
 Urban Planning & Development Department

DISCLAIMER:
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ORDINANCE NO. 2011_____

**AN ORDINANCE TO REZONE PROPERTY OWNED BY THE HOUSING
AUTHORITY OF FLORENCE FROM B-2 TO R-5.**

WHEREAS, a Public Hearing was held in Room 603 of the City-County Complex on March 8, 2011 at 6:30 P.M. before the City of Florence Planning Commission and notice of said hearing was duly given;

WHEREAS, an application by the City of Florence was presented requesting an amendment to the City of Florence Zoning Atlas that the aforesaid property be rezoned to a zoning district classification of R-5, Residential District:

**The property requesting annexation is shown more
specifically on Florence County Tax Map 90114, block 04,
parcel 001. (approx 0.26 Acres)**

WHEREAS, Florence City Council concur in the aforesaid application, findings and recommendations:

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF FLORENCE IN MEETING DULY ASSEMBLED AND BY THE
AUTHORITY THEREOF:**

1. That an Ordinance is hereby adopted amending the aforesaid property in the Zoning Atlas to R-5, Residential District.
2. That this Ordinance shall become effective seven days upon its approval and adoption by the City Council of the City of Florence and posting of this amendment in the official Zoning Atlas.

ADOPTED THIS _____ DAY OF _____, 2011

Approved as to form:

James W. Peterson, Jr.
City Attorney

Stephen J. Wukela,
Mayor

Attest:

Dianne Rowan
Municipal Clerk

FLORENCE CITY COUNCIL MEETING

DATE: April 11, 2011
AGENDA ITEM: Introduction of Ordinance
DEPARTMENT/DIVISION: City Council

I. ISSUE UNDER CONSIDERATION

An Ordinance to establish regulations and requirements related to smoking in enclosed buildings and spaces within the City of Florence.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN

This ordinance comes before Council for first reading. Council has previously discussed the original proposal, there has been a special meeting at Moore Middle School for public input, Council has received legal advice in executive session, and Council Members have received some proposed amendments.

III. POINTS TO CONSIDER

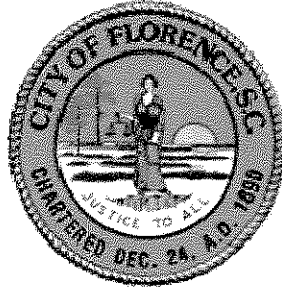
This ordinance has been addressed by Council and the public extensively.

IV. STAFF RECOMMENDATION

Staff stands ready to proceed in accordance with Council's wishes.

V. ATTACHMENTS

- (a) Copy of the original proposed ordinance as introduced by the several members of Council.
- (b) Copy of a proposed amendment to the ordinance incorporating and highlighting all changes since the original version and forwarded to Council on April 6, 2011.



BILL NO. 2011-09

Co-Sponsors: Stephen J. Wukela, Mayor
Octavia Williams-Blake, City Councilmember
Teresa Myers Ervin, City Councilmember
Glynn Willis, City Councilmember
Buddy Brand, City Councilmember

A BILL TO: A Bill to establish regulations and requirements related to smoking in enclosed buildings and spaces within the City of Florence

Filed: February 14, 2011

Introduced and First Reading: March 14, 2011 (proposed)

Second Reading Given: April 11, 2011 (proposed)

ORDINANCE NO. 2011-

City of Florence:
**AN ORDINANCE TO ESTABLISH REGULATIONS AND REQUIREMENTS RELATED
TO SMOKING IN ENCLOSED BUILDINGS AND SPACES WITHIN THE CITY OF
FLORENCE**

File Date:

Co Sponsors:
Stephen Wukela, Mayor
Octavia Williams-Blake, City Councilmember
Teresa Myer Ervin, City Councilmember
Glynn Willis, City Councilmember
Buddy Brand, City Councilmember

Summary and Highlights of the Smoke-Free Ordinance for the City of Florence

The Ordinance:

- **Prohibits** Smoking in enclosed buildings & spaces in the City of Florence;
- **DOES NOT** apply to private homes UNLESS used as a licensed childcare, adult day care, or health care facility;
- **ALLOWS** smoking at the owner/managers discretion on open decks, balconies and patios of restaurants.
- **DOES NOT** take away business license for non-compliance. Fines will be assessed for non-compliance.
- Violations of the smoking ordinance are not criminal in nature.
- **Is** for the protection of workers, children and the citizens of the City of Florence.
- Ordinance becomes effective on November 1, 2011 in order to provide full notice to the public

Other South Carolina Smoke Free cities:

| | |
|---------------------------|--------------------------|
| <u>Aiken</u> | <u>Ravenel</u> |
| <u>Beaufort</u> | <u>Rock Hill</u> |
| <u>Bluffton</u> | <u>Springdale</u> |
| <u>Camden</u> | <u>South Congaree</u> |
| <u>Cayce</u> | <u>Sullivan's Island</u> |
| <u>Chapin</u> | <u>Sumter</u> |
| <u>Charleston</u> | <u>Surfside Beach</u> |
| <u>Chesnee</u> | <u>Walterboro</u> |
| <u>Clemson</u> | <u>West Columbia</u> |
| <u>Columbia</u> | <u>Pickens</u> |
| <u>Easley</u> | <u>Pine Ridge</u> |
| <u>Edisto Beach</u> | |
| <u>Fort Mill</u> | |
| <u>Greenville</u> | |
| <u>Hilton Head Island</u> | |
| <u>Hollywood</u> | |
| <u>Isle of Palms</u> | |
| <u>Lexington</u> | |
| <u>Liberty</u> | |
| <u>Mount Pleasant</u> | |
| <u>North Augusta</u> | |

ORDINANCE NO. 2011-_____

AN ORDINANCE TO ESTABLISH REGULATIONS AND REQUIREMENTS RELATED TO SMOKING IN ENCLOSED BUILDINGS AND SPACES WITHIN THE CITY OF FLORENCE

WHEREAS, the City of Florence, upon assessing current conditions and more recent medical findings made by authoritative sources, Council has determined that the City's existing code does not sufficiently address the pressing public health issues and the quality of life considerations arising from the harmful effects of secondhand smoke, and additional action by the City Council is necessary and proper; and

WHEREAS, The city council (the "council") of the City of Florence, South Carolina, hereby finds and determines:

(a) The City of Florence, South Carolina (the "City"), is an incorporated municipality located in Florence County, South Carolina, and as such possesses all powers granted to municipalities by the Constitution and the laws of the State of South Carolina, including the powers enumerated in S.C. Code § 5-7-30 (2005 Supp) relating to regulating streets, markets, and public health.

(b) Numerous studies have found that tobacco smoke is a major contributor to indoor air pollution, and that breathing secondhand smoke (also known as environmental tobacco smoke) is a cause of disease in healthy nonsmokers, including heart disease, stroke, respiratory disease, and lung cancer. The National Cancer Institute has determined that secondhand smoke is responsible for the early deaths of up to 65,000 Americans annually. (National Cancer Institute (NCI), "Health effects of exposure to environmental tobacco smoke: the report of the California Environmental Protection Agency. Smoking and Tobacco Control Monograph 10," Bethesda, MD: National Institutes of Health, National Cancer Institute (NCI), August 1999.). The Surgeon General has declared that:

- (1) Secondhand smoke causes disease and premature death in nonsmokers exposed to smoke;
- (2) Children exposed to secondhand smoke have an increased risk for sudden death syndrome, acute respiratory infections, ear problems, and more severe asthma;
- (3) Adults exposed to secondary smoke have a higher risk of coronary heart disease and lung cancer;
- (4) There is no safe level of exposure to secondhand smoke; and
- (5) Separating smoking and nonsmoking sections of indoor areas does not sufficiently remove the threats of secondhand smoke in enclosed areas.

(c) A significant amount of secondhand smoke exposure occurs in the workplace. Employees who work in smoke-filled businesses suffer a 25--50 percent higher risk of heart attack and higher rates of death from cardiovascular disease and cancer, as well as increased acute respiratory disease and measurable decrease in lung function. (Pitsavos, C.; Panagiotakos, D.B.; Chrysoshoou, C.; Skoumas, J.; Tzioumis, K.; Stefanadis, C.; Toutouzas, P., "Association between exposure to environmental tobacco smoke and the development of acute coronary syndromes: the CARDIO2000 case-control study," Tobacco Control 11(3): 220-225, September 2002.)

(d) Smoke-filled workplaces result in higher worker absenteeism due to respiratory disease, lower productivity, higher cleaning and maintenance costs, increased health insurance rates, and increased liability claims for diseases related to exposure to secondhand smoke. ("The high price of cigarette smoking," Business & Health 15(8), Supplement A: 6-9, August 1997.)

(e) When there is a presence of secondhand smoke in enclosed spaces inevitably results in persons who do not smoke being forced to bear unwarranted health risks and inappropriate deprivation of peaceful enjoyment of the premises to which they have been invited or permitted to enter, even when steps have been taken to separate "smoking" and "nonsmoking" areas within the confined space.

(f) The city recognizes that smoke creates a danger to the health and safety of the public at large and that, in order to protect the health and welfare of the public, it is necessary to restrict smoking in the manner provided for in this article (the "article").

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FLORENCE, SOUTH CAROLINA, IN MEETING DULY ASSEMBLED, AND BY THE AUTHORITY THEREOF AS FOLLOWS:

Section 1. Enactment and effective dates.

The provisions contained in the attached Exhibit A shall be enacted as the new smoking ordinance for the City of Florence, which shall be titled "Smoking in Public Places and Places of Employment," and contained in Chapter 10 of the City Code. The attached exhibit is incorporated herein by reference. The effective date shall be November 1, 2011.

Section 2. Codification

The Municipal Code Corporation as codifier of the City of Florence Code shall in consultation with the City of Florence Attorney have discretion to make such adjustments in the numbering and sequencing of the article numbers and sections numbers as will reasonably assure compliance with standard practices in codification and to codify the new provisions as soon as feasible after their effective dates.

ADOPTED THIS _____ DAY OF _____, 2011.

Approved as to form:

James W. Peterson, Jr.
City Attorney

Stephen J. Wukela
Mayor

Attest:

Dianne M. Rowan
Municipal Clerk

EXHIBIT A

Smoking in Enclosed Buildings and Spaces within the City of Florence

10-50. Prohibition of Smoking in Enclosed Public Places.

Smoking shall be prohibited in all enclosed buildings and spaces which are open to the public, have employees, and are within the City of Florence.

10-51. Where Smoking Not Regulated.

Notwithstanding any other provision of this Ordinance to the contrary, the following areas shall be exempt from the provisions of Section 10-50 of this Ordinance:

- A. Private residences, except when used as a licensed childcare, adult day care, or health care facility.
- B. Hotel and motel rooms that are rented to guests and are designated as smoking rooms.
- C. Retail tobacco stores.
- D. Private and semiprivate rooms in nursing homes and long-term care facilities that are occupied by one (1) or more persons, all of whom are smokers and have requested in writing to be placed in a room where smoking is permitted; provided that smoke from these places does not infiltrate into areas where smoking is prohibited under the provisions of this Ordinance.
- E. Private clubs, except when being used for a function to which the general public is admitted.
- F. Privately owned and operated motor vehicles.

10-52. Nonretaliation: Nonwaiver of Rights.

- A. No person or employer shall discharge, refuse to hire, or in any manner retaliate against an employee, applicant for employment, or customer because that employee, applicant, or customer exercises any rights afforded by this Ordinance or reports or attempts to prosecute a violation of this Ordinance.
- B. An employee who works in a setting where an employer allows smoking does not waive or otherwise surrender any legal rights the employee may have against the employer or any other party.

10-53. Enforcement.

- A. This Ordinance shall be enforced by the office of the City Manager or an authorized designee.
- B. Notice of the provisions of this Ordinance shall be given to all applicants for a business license in the City.
- C. Any citizen who desires to register a complaint under this Ordinance may initiate enforcement with the office of the City Manager.
- E. An owner, manager, operator, or employee of an establishment regulated by this Ordinance shall inform persons violating this Ordinance of the appropriate provisions thereof.

10-54. Violations and Penalties.

- A. A person who smokes in an area where smoking is prohibited by the provisions of this Ordinance shall be guilty of an infraction, punishable by a fine of not less than ten dollars (\$10) nor no more than twenty-five dollars (\$25).
- B. A person who owns, manages, operates, or otherwise controls a public place or place of employment and who fails to comply with the provisions of this Ordinance shall be guilty of an infraction, punishable by a fine of not less than ten dollars (\$10) nor no more than twenty-five dollars (\$25).

10-55. Interpretation for Intent.

It is the intent of Council to prohibit smoking whenever the private choice of smoking intrudes or has the capacity to intrude upon the right of persons concerned about protecting their own rights to be free from the hazards and inconvenience of secondhand smoke. All provisions shall be construed to achieve these purposes.

**ORDINANCE NO. 2011- 09
Amendment Proposed on April 6, 2011**

**City of Florence:
AN ORDINANCE TO ESTABLISH REGULATIONS AND REQUIREMENTS RELATED
TO SMOKING IN ENCLOSED BUILDINGS AND SPACES WITHIN THE CITY OF
FLORENCE**

File Date:

**Co Sponsors:
Stephen Wukela, Mayor
Octavia Williams-Blake, City Councilmember
Teresa Myer Ervin, City Councilmember
Glynn Willis, City Councilmember
Buddy Brand, City Councilmember**

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ADOPTED THIS _____ DAY OF _____, 2011.

Approved as to form:

James W. Peterson, Jr.
City Attorney

Stephen J. Wukela
Mayor

Attest:

Dianne M. Rowan
Municipal Clerk

EXHIBIT A

Smoking in Public Places and Places of Employment

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- E. Private clubs, except when being used for a function to which the general public is admitted.
- F. Privately owned and operated motor vehicles.
- G. Warehouse/work shop areas which are separated from the general public areas that have drive-in entrance door(s) and an outside fan ventilation system when the owner exercises the option to allow employee smoking in the shop/warehouse areas when it is ventilated through the use of the ventilation system and opened garage type door(s).
- H. A dedicated smoking area that is contained within a building provided the smoking area is not open to the public, employees are not required to be present in the smoking area for any work related activities, the smoking area is separated from the remainder of the building by walls and/or doors which are closed, and the smoking area is equipped with adequate ventilation which effectively ventilates smoking area air to the exterior of the building.

10-52. Nonretaliation: Nonwaiver of Rights.

- A. No person or employer shall discharge, refuse to hire, or in any manner retaliate against an employee, applicant for employment, or customer because that employee, applicant, or customer exercises any rights afforded by this Ordinance or reports or attempts to prosecute a violation of this Ordinance.
- B. An employee who works in a setting where an employer allows smoking does not waive or otherwise surrender any legal rights the employee may have against the employer or any other party.

10-53. Enforcement.

- A. This Ordinance shall be enforced by the office of the City Manager or an authorized designee.
- B. Notice of the provisions of this Ordinance shall be given to all applicants for a business license in the City.
- C. Any citizen who desires to register a complaint under this Ordinance may initiate enforcement with the office of the City Manager.
- D. An owner, manager, operator, or employee of an establishment regulated by this Ordinance shall inform persons violating this Ordinance of the appropriate provisions thereof.

10-54. Violations and Penalties.

- A. A person who smokes in an area where smoking is prohibited by the provisions of this Ordinance shall be guilty of an infraction, punishable by a civil fine of not less than ten dollars (\$10) nor no more than twenty-five dollars (\$25).
- B. A person who owns, manages, operates, or otherwise controls a public place or place of employment and who fails to comply with the provisions of this Ordinance shall be guilty of an infraction, punishable by a civil fine of not less than ten dollars (\$10) nor no more than twenty-five dollars (\$25).
- C. In order to enforce such infractions, the city shall serve a uniform ordinance summons upon the infractor.
- D. In the event the infractor fails to pay the civil fine or fails to appear pursuant to uniform ordinance summons, the city may utilize the Set-Off Debt Process provided for under Section 12-56-50, *et. seq.* of the South Carolina Code of Laws, as Amended.
- E. A violation of provisions of this ordinance shall not constitute a nuisance in the City of Florence.

10-55. Interpretation for Intent.

It is the intent of Council to prohibit smoking whenever the private choice of smoking intrudes or has the capacity to intrude upon the right of persons concerned about protecting their own rights to be free from the hazards and inconvenience of secondhand smoke. All provisions shall be construed to achieve these purposes.

10-56. Definitions.

Unless the context shall clearly indicate some other meaning, the terms defined in this section shall, for all purposes of this article and other documents herein referenced, have the meanings herein specified. Definitions shall be equally applicable to both the singular and plural forms of any of the terms herein defined.

A. "Private club" means an organization, whether incorporated or not, which is the owner, lessee, or occupant of a building or portion thereof used exclusively for club purposes, or for purposes of benefiting particular club members and their guests, which is operated solely for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose, but not for pecuniary gain, and which only sells alcoholic beverages incidental to its operation. The affairs and management of the organization are conducted by a board of directors, executive committee, or similar body chosen by the members at an annual meeting. The organization has established bylaws and/or a constitution to govern its activities. The organization is exempt from the payment of federal income tax. Establishments which are in fact operating as bars, restaurants, or entertainment venues primarily for the pecuniary benefit of the owner, or chief operating officer, or other person having substantial control shall not be treated as private clubs under this article.

B. "Retail tobacco store" means a retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is merely incidental. The term specifically includes cigar bars, which are establishments licensed for the on-premises sale of beer, wine, and alcoholic beverages as well as some food service, but the term does not include any establishment which is primarily a bar or restaurant and which undertakes to make retail offerings of tobacco products as a means of circumventing the purposes of this article.

C. "Enclosed buildings and spaces" means all space between a floor and ceiling that is enclosed on all sides by walls or windows (exclusive of doorways), which extend from the floor to the ceiling, including stationary structures and mobile public conveyances.

D. "Open to the public" means an area to which the public is invited or to which the public is permitted to have access, including but not limited to, banks, bars, educational facilities, health care facilities, hotel and motel lobbies, laundromats, public transportation facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, shopping malls, theaters, waiting rooms, sports arena, stadiums and ball parks. A private club is "open to the public" when being used for a function to which the general public is allowed entry. A private residence is not "open to the public" unless it is used as a childcare, adult day care, or health care facility.

**VIII. a.
Resolution No.
2011-06**

FLORENCE CITY COUNCIL MEETING

DATE: April 11, 2011

AGENDA ITEM: Introduction of Resolution – No. 2011-06

DEPARTMENT: City Council

ITEM UNDER CONSIDERATION:

A Resolution recognizing the 150th anniversary of First Presbyterian Church

(State of South Carolina)
()
(City of Florence)

RESOLUTION NO. 2011-06

- WHEREAS,** In the late 1850's, the Rev. Thomas R. English, a Presbyterian evangelist saw the need for a church to serve the new community of Florence; and
- WHEREAS,** Under his leadership, the first house of worship in the new community was built on Church Street with their first service being held on December 14, 1860; and
- WHEREAS,** The "Presbyterian Church of the Town of Florence" was officially formed on March 23, 1861 with 34 members; 21 white and 13 black; and
- WHEREAS,** The Rev. Thomas H. Law served as the first installed pastor from 1862 to 1865; and
- WHEREAS,** The young Rev. Melton Clark came in 1898 and oversaw the building of a new church in 1905 on East Evans Street, between Dargan and Church Streets; and
- WHEREAS,** During the Rev. James English Cousar, Jr.'s nine year pastorate, an 8.8 acre tract of land at the corner of Park Avenue and Cherokee Road was purchased and on October 16, 1950, two "units" were erected on the new campus; an education building that included the Fellowship Hall, which served as the Sanctuary for the next seven years, and an auxiliary building with classrooms, office space and an all-purpose room; and
- WHEREAS,** The cornerstone was laid in July 1951, and the first service was held in the Fellowship Hall/Sanctuary on April 6, 1952; and
- WHEREAS,** Dr. William G. Foster was installed as pastor in March 1954 and soon planning was underway for the current sanctuary with the first service being held in the sanctuary on Easter Sunday, 1959; and
- WHEREAS,** The Rev. Chris Handley became the Associate Pastor in 2002; and
- WHEREAS,** After a long and prayerful search, Dr. Barry Jenkins was called to be the Senior Pastor in June 2005; and
- WHEREAS,** In March 2011, under the pastoral leadership of Dr. Jenkins and Rev. Handley, the church celebrated its 150th birthday in a service attended by over 500.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Florence, South Carolina, hereby recognizes

FIRST PRESBYTERIAN CHURCH

on the occasion of its celebration of its 150th anniversary.

AND IT IS SO RESOLVED, this 11th day of April, 2011.

Stephen J. Wukela, Mayor

Frank J. Brand, II – Mayor Pro tem

Octavia Williams-Blake, Councilmember

Teresa Myers Ervin, Councilmember

Stephen C. Powers, Councilman

Edward Robinson, Councilmember

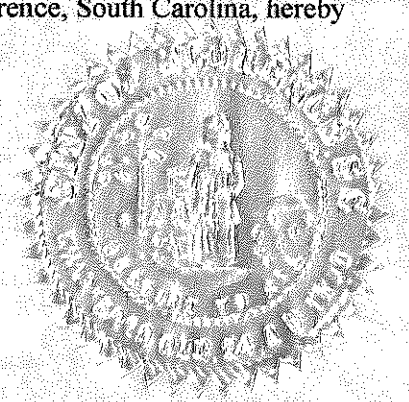
Glynn F. Willis, Councilmember

Approved as to form:

Attest:

James W. Peterson, Jr., City Attorney

Dianne M. Rowan, Municipal Clerk



**VIII. b.
Resolution No.
2011-07**

FLORENCE CITY COUNCIL MEETING

DATE: April 11, 2011

AGENDA ITEM: Introduction of Resolution – No. 2011-07

DEPARTMENT: City Council

ITEM UNDER CONSIDERATION:

A Resolution proclaiming July 2, 2011 as “Family Day for the McPhail-Phillips
Family Reunion”

(STATE OF SOUTH CAROLINA)
()
(CITY OF FLORENCE)

RESOLUTION NO. 2011-07

WHEREAS, The McPhail-Phillips Family Reunions are occasions that renew the feeling of love, pride, and support that nurture our lives and as individuals we find in our families a sense of identity, purpose and security; and

WHEREAS, the McPhail-Phillips Family is an important treasure in our community, started celebrating on July 4, 1978, thirty-three years of coming together on one accord to share in family heritage, triumphs, laughs, and memories; and

WHEREAS, the McPhail-Phillips Family has helped others to understand the past, and teach timeless lessons of courage, endurance, and love through their legacy of patriotism, service, and responsibility, and serve as a role model for younger generations; and

WHEREAS, the McPhail-Phillips Family will reaffirm their commitment to each other by sharing their values and traditions which were passed down from past generations. Through their experiences as members of this family, they have learned important lessons about love, faith, duty and respect, personal responsibility and concern for others; and

WHEREAS, the McPhail-Phillips Family will be celebrating "Taking It Back To The Good Old Days" on July 1-3, 2011 in Florence, South Carolina.

NOW, THEREFORE, BE IT RESOLVED, that the City of Florence does hereby proclaim July 2, 2011 as

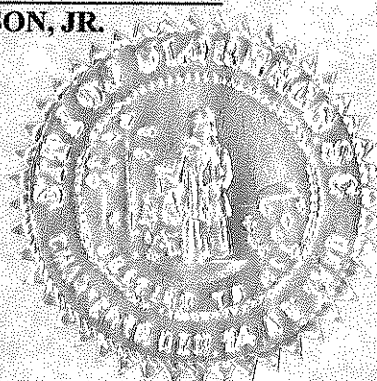
**FAMILY DAY FOR THE MCPHAIL-PHILLIPS
FAMILY REUNION**

in the City of Florence.

AND IT IS SO RESOLVED, this 11th day of April, 2011.

APPROVED AS TO FORM:

JAMES W. PETERSON, JR.
CITY ATTORNEY



STEPHEN J. WUKELA
MAYOR

ATTEST:

DIANNE M. ROWAN
MUNICIPAL CLERK

IX. a.
Appointments to
Boards & Commissions

FLORENCE CITY COUNCIL MEETING

DATE: February 14, 2011

AGENDA ITEM: Reports to Council – Appointments to Boards & Commissions

DEPARTMENT: City Council

ACCOMMODATIONS TAX ADVISORY COMMITTEE

| 7 Members | Initial Appt. | Term | Exp. Date | Qualifications | Notes |
|--------------------|---------------|---------|-----------|---------------------|---------------------------------|
| Henry H. Hepburn | July 1, 2006 | 3 years | 6/30/2012 | General | |
| Sylvia A. Perkins | Dec. 16, 1996 | 3 years | 6/30/2012 | Hospitality/Lodging | |
| Margaret Nash | July 1, 2006 | 3 years | 6/30/2012 | General | |
| Steven Doulaveris | Oct. 19, 1998 | 3 years | 6/30/2013 | Hospitality | Would like to be reappointed |
| Lyles C. Lyles | Mar. 14, 2011 | 3 years | 6/30/2013 | Hospitality/Lodging | |
| Laurence E. Norris | Oct. 8, 2001 | 3 years | 6/30/2010 | Hospitality/Lodging | Does not want to be reappointed |
| Benjamin Woods | Nov. 8, 1993 | 3 years | 6/30/2011 | Cultural | |

Four (4) of the seven (7) members are to be designated as hospitality industry representatives, two (2) of which must be from the lodging sector of the hospitality industry of the municipality receiving the revenue. One member must be designated from the cultural organizations of the municipality or county receiving the revenue. Terms of office are for three (3) years.

CITY-COUNTY CIVIC CENTER COMMISSION

| 11 Members (4 Appointments) | Initial Appt. | Term | Exp. Date | Attendance | Qualifications | Notes |
|--------------------------------|---------------|--------|-----------|----------------------|----------------|------------------------------|
| | | | | 7-1-2010 - 3-31-2011 | | |
| Peggy McLean, Chmn. | July 1, 2006 | 4 yrs. | 6/30/2010 | | | Would like to be reappointed |
| Patricia Muldrow | July 1, 2006 | 4 yrs. | 6/30/2010 | | | Would like to be reappointed |
| Roy Ann Jolley | May 9, 2005 | 4 yrs. | 6/30/2012 | | | Second Term |
| Ann Scott | July 1, 2008 | 4 yrs. | 6/30/3012 | | | |
| Mayor's Designee | | | | | | |
| Councilman Brand | | | | | | |

Composed of eleven (11) voting members and one (1) ex-officio, non-voting member. The voting members shall be as follows: Four (4) members shall be residents of the City of Florence, appointed by Florence City Council; four (4) members shall be residents of Florence County, appointed by Florence County Council. The Florence City Mayor and Florence County Council Chairman or their council designee, with the approval of the respective council, shall also serve as voting members. After appointment, the commission shall recommend to the City and County Councils the eleventh (11th) member to serve a four (4) year term. The ex-officio, non-voting member shall be the Civic Center Director .

Terms of office for voting members appointed by the Florence City Council and the Florence Council shall be for four (4) years. The terms of office for the Florence City Mayor and the Florence County Council Chairman shall be perpetual to the person holding that position. Members shall be eligible to serve on the commission for two (2) consecutive terms.



**CITY OF FLORENCE
BOARDS AND COMMISSIONS**

NOMINATION FORM

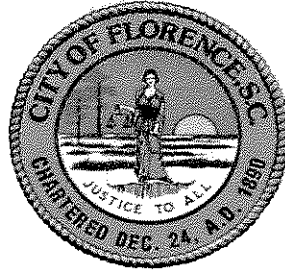
CITY-COUNTY CIVIC CENTER COMMISSION

Councilmember: Steve Powers

Nominee: Patricia Muldrow (Reappointment)

Alternate #1: Kelvin Mitchell

Alternate #2: _____



**CITY OF FLORENCE
BOARDS AND COMMISSIONS**

NOMINATION FORM

City County Civic Center Commission

Councilmember: MAYOR WUKELA

Nominee Peggy McLean

Alternate #1: _____

Alternate #2: _____

CITY-COUNTY HISTORICAL COMMISSION

| 10 Members (5 Appointments) | Initial Appt. | Term | Exp.Date | Qualifications | Notes |
|--------------------------------|---------------|--------|-----------|----------------|------------------------------|
| Alberta Major | Mar. 14, 2011 | 4 yrs. | 6/30/2014 | | |
| Mark W. Buyck, III | June 30, 2002 | 4 yrs. | 6/30/2014 | | |
| William S. Dowis | Apr. 13, 1992 | 4 yrs. | 6/30/2010 | | Would like to be reappointed |
| Andrew Kampziones | Aug. 22, 1983 | 4 yrs. | 6/30/2013 | | |
| Betty Wyman | July 1, 1999 | 4 yrs. | 6/30/2011 | | |

Honorary Member:

Mr. James C. McLeod, Jr.

Composed of ten (10) members . Five (5) members appointed by Florence City Council and five members appointed by Florence County Council.

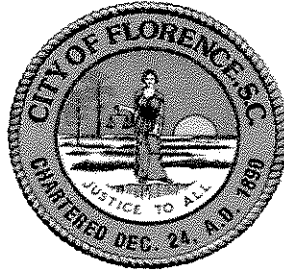
Terms of office shall be for four (4) years.

CITY OF FLORENCE ZONING BOARD OF APPEALS

| 7 Members | Initial Appt. | Term | Exp. Date | Qualifications | Notes |
|---------------------|---------------|--------|-----------|----------------|-----------------------------------|
| Scott Kozacki, Chmn | July 1, 2008 | 3 yrs. | 6/30/2010 | | Has not returned letter of intent |
| Consuella Ferguson | July 1, 2008 | 3 yrs. | 6/30/2011 | | |
| Mary C. Hepburn | July 1, 2008 | 3 yrs. | 6/30/2011 | | |
| Charles Howard, Jr. | July 1, 2008 | 3 yrs. | 6/30/2012 | | |
| Randolph Hunter, Jr | July 1, 2008 | 3 yrs. | 6/30/2011 | | |
| Larry Chewning | July 1, 2008 | 3 yrs. | 6/30/2010 | | Would like to be reappointed |
| Kathryn Wilcox | July 1, 2008 | 3 yrs. | 6/30/2012 | | |

Composed of seven members appointed by Council.

Term of office shall be for three (3) years.



**CITY OF FLORENCE
BOARDS AND COMMISSIONS**

NOMINATION FORM

Zoning Board of Appeals

Councilmember: Buddy Brand

Nominee Larry Chewing

Alternate #1: _____

Alternate #2: _____

VETERANS PARK COMMITTEE

| 6 Members | Initial Appt. | Term | Exp. Date | Attendance | Qualifications | Notes |
|------------------------|---------------|----------|-----------|----------------------|----------------|------------------------|
| | | | | 7-1-2010 - 3-31-2011 | | |
| Barry Wingard, Chmn. | July 1, 2009 | 5 yrs. | 6/30/2014 | | | |
| | | | | | | |
| Bruce Mallick, V Chmn. | July 1, 2009 | 5 years. | 6/30/2014 | | | |
| | | | | | | |
| Vacancy | July 13, 2009 | 5 yrs | 6/30/2014 | | | Celia Berthot Resigned |
| | | | | | | |
| Michael Montrose | July 13, 2009 | 5 yrs. | 6/30/2011 | | | |
| | | | | | | |
| David C. Phillips | July 13, 2009 | 5 yrs. | 6/30/2011 | | | |
| | | | | | | |
| Carlton L. Pridgen | July 13, 2009 | 5 yrs. | 6/30/2011 | | | |

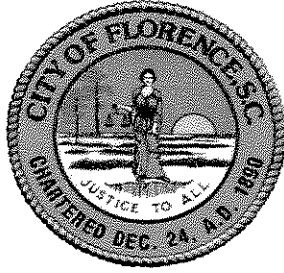
Composed of six (6) members, appointed and designated by City Council to serve on a Committee of the Parks and Beautification Commission and shall be responsible for recommending all policies and procedures for activities at the Veterans Park to the Commission. Only City Council shall designate a member of the Commission to serve on the Veterans Park Committee. The Veterans Park Committee shall be composed of the following:

- 1) Four (4) members shall be honorably discharged veterans;
 - 2) Two (2) members shall be selected at-large. However, if a veteran is selected to serve as an at-large member of the Committee, then he shall also be an honorably discharged veteran;
 - 3) All six (6) members shall be qualified voters and veterans of Florence County.
- Terms of office shall be for five (5) years.

PEE DEE REGIONAL AIRPORT AUTHORITY

| 9 Members | Initial Appt. | Term | Exp.Date | Attendance | Qualifications | Notes |
|-----------------------|---------------|--------|-----------|----------------------|----------------|--|
| (2 Appointments) | | | | 7-1-2010 - 3-31-2011 | | |
| Tom Kinard | June 30, 2006 | 4 yrs. | 6/30/2010 | | | First Term, would like to be reappointed |
| Randall E. Gelzer, Sr | July 1, 2008 | 4 yrs. | 6/30/2012 | | | First Term |

Composed of nine (9) members. Two (2) members must be residents of the City of Florence appointed by the Governor upon recommendation of the Florence City Council. Three (3) members must be residents of the County of Florence appointed by the Governor upon the recommendation of the Florence County Council. Two (2) members must be residents of each of the counties of Marion and Dillon appointed by the Governor upon the recommendation of the respective County Councils. No member shall serve more than two (2) four(4) year terms.



**CITY OF FLORENCE
BOARDS AND COMMISSIONS**

NOMINATION FORM

Pee Dee Regional Airport Authority

Councilmember: TERESA MYERS ERVIN

Nominee SAM J. FEYER III

Alternate #1: _____

Alternate #2: _____



APPLICATION FOR BOARDS AND COMMISSIONS
CITY OF FLORENCE
SOUTH CAROLINA

| | | | |
|--|--|--|--------------------------|
| Board or Commission for which you are applying: <i>Pee Dee Regional Airport Authority</i> | | | |
| Your Name (Last, First, Middle) <i>Fryer Sam J. III</i> | County <i>Florence</i> | Council District <i>03</i> | |
| Residential Address <i>1610 Southwood Court</i> | City <i>Florence</i> | State <i>South Carolina</i> | Zip Code <i>29505</i> |
| Mailing Address <i>Same</i> | City <i>Same</i> | State <i>South Carolina</i> | Zip Code <i>Same</i> |
| Your Occupation - Title <i>District Behavior Specialist</i> | Business Phone <i>(843) 673-1172</i> | Residence Phone <i>(843) 629-8372</i> | |
| Employer Name <i>Florence Public School Dist I</i> | E-Mail Address <i>SFryer@fsd1.org</i> | | |
| Employer Address <i>319 S. Dargan St</i> | City <i>Florence</i> | State <i>South Carolina</i> | Zip Code <i>29506</i> |

General Qualifications

Are you a resident of the City? Yes No How Long? _____

Why would you like to serve?

Attempting to expand my commitment to public service.

Do you presently serve on any Commissions/ Boards of the City/ County/ State? If so, please list:

No.

Have you formerly served on any Commissions/ Boards of the City/ County/ State? If so, please list:

No.

Are you currently in a position of responsibility with an organization or board that has received or is seeking funding from the City of Florence? If so, list the position and date:

No.

Are you involved in any Community Activities? If so, please list:

General Church, Educational and community based programs. Such as Queens, Helping Hands, Arts Ministry of S.C.B.C.

What are your goals and objectives if appointed to the Commission/Board?

To ensure that the state and secondary areas understand the benefits and advantages of an Regional Airport and an City.

I certify that the information above is true and correct. Information on this form will be considered public information.

Signature

Sam J. Fryer III

Date

January 12, 2010

RETURN COMPLETED FORM TO:

Office of the City Clerk
City of Florence, City County Complex AA,
180 N. Irby Street, Florence, SC 29501
Fax: 843-665-3110

FOR OFFICE USE ONLY

| | |
|---------------|-----------|
| Received: | 1-15-2010 |
| Appointed to: | |
| Date: | |